

DECISION

Dispute Codes OPR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 5, 2010 the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. Canada Post receipt numbers were provided in the Landlord's documentary evidence. The Tenant is deemed to have been served the Direct Request Proceeding documents on January 10, 2010, the fifth day after they were mailed pursuant section 90 of the *Residential Tenancy Act*. Based on the written submissions of the Landlord, I find that the Tenants have been served with the Dispute Resolution Direct Request Proceeding documents.

Preliminary Issues

The Landlord filed a previous application for dispute resolution through the Direct Request process using a copy of the same 10 Day Notice to End Tenancy and proof of service documents. The previous application and documentary evidence was reviewed and a decision was rendered on January 15, 2010.

After further review of the application before me today I find that there is no provision under the *Residential Tenancy Act* to allow this matter to be reviewed a second time as to do so would constitute res judicata.

Res judicata is a doctrine that prevents rehearing of claims and issues arising from the same cause of action between the same parties after a final judgment was previously

issued on the merits of the case. Based on the aforementioned I hereby dismiss the Landlord's application without leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's application, without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 18, 2010.

Dispute Resolution Officer