



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

This hearing dealt with an Application for Dispute Resolution by the Tenant requesting an order to cancel the Notice to End Tenancy for Cause.

Both parties appeared, gave affirmed testimony and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

At the outset of the hearing the parties stated that they had a previous hearing on December 01, 2011 which dealt with the Notice to End Tenancy and they were awaiting the decision from that hearing to find out whether the Notice to End Tenancy would be cancelled or not. Both parties confirmed that they had been in attendance at that prior hearing on December 01, 2011.

The decision from the December 01, 2011 hearing was made on December 02, 2011 and issued to the parties by mail on that date. The decision cancelled the Notice to End Tenancy issued by the Landlord on November 02, 2011.

The Tenants stated that the Application before me is to dispute the same Notice of November 02, 2011 as they had not yet received the decision of December 02, 2011 by mail or otherwise. I confirmed the decision that resulted from the December 01, 2011 hearing for the parties and stated to them that the Notice to End Tenancy was cancelled by the decision issued on December 02, 2011.

I find that due to section 77(3) of the Act and the legal principal of Res judicata, I cannot hear the Tenant's Application before me, as the same matter was already heard on December 01, 2011 and decided upon on December 02, 2011.

The Tenant's Application is dismissed.

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 05, 2012.

Residential Tenancy Branch