



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction and Background

This hearing dealt with the tenant's application seeking cancellation of a 1 Month Notice to End Tenancy for Cause (the "Notice"), dated February 10, 2012.

The only parties appearing were the landlord and his agent. The applicant/tenant did not attend the hearing.

The parties were in dispute resolution previously, on February 23, 2012, on the cross applications of the parties.

Among other things, in issuing a Decision dated February 23, 2012, another Dispute Resolution Officer (DRO) cancelled the above mentioned 1 Month Notice to End Tenancy for Cause dated February 10, 2012, which is the subject of this application.

Due to the legal principle of res judicata, I am bound by this earlier Decision and I cannot re-decide this issue.

Conclusion

As the 1 Month Notice to End Tenancy for Cause dated February 10, 2012, which is the subject of this dispute, was cancelled in a Decision of the Residential Tenancy Branch by another DRO on February 23, 2012, I have no jurisdiction to decide this matter, due to res judicata.

I therefore decline to find jurisdiction to resolve this dispute.

As the tenant failed to appear at the hearing scheduled pursuant to his application, I also decline to award him recovery of the filing fee.

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: March 07, 2012.

Residential Tenancy Branch