



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, OPB, OPR

This hearing involved the Application for Dispute Resolution of the Applicant, who is claiming to be a landlord under the Act for the subject property. An agent for the Applicant appeared at the hearing, and no one appeared for the Respondent.

In evidence for the hearing, the Respondent submitted a Decision from an Arbitrator of the Branch made on January 30, 2013, following a hearing on that same day, which the Applicant did not attend. The Arbitrator found that this tenancy was a commercial tenancy and declined to grant jurisdiction under the *Residential Tenancy Act*.

Under the *Residential Tenancy Act*, I have no authority to alter that Decision and find that the issue of jurisdiction has been determined at the earlier hearing. Therefore, the issue of jurisdiction has already been dealt with and is *res judicata*, and I must dismiss this Application as I have no authority to deal with this matter under the Act.

The Applicant should have applied for a Review Consideration of the January 30, 2013 Decision if they were not satisfied with the findings in that Decision. As it is now, I am bound by the January 30, 2013 Decision and I must decline jurisdiction.

The Applicant should consider obtaining legal advice on what steps to take in this matter.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: February 28, 2013

Residential Tenancy Branch

