



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNR, OPR, MNDC, ERP, RP, AS

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the tenant seeking to cancel a 10-Day Notice to End Tenancy for Unpaid Rent and a One Month Notice to End Tenancy for Cause, an order to force the landlord to do repairs and permit the tenant to assign or sublet the unit. The tenant is also requesting a Monetary Order for the return of the security and pet damage deposit.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

### **Preliminary Matter**

At the outset of the hearing the landlord stated that he was granted an Order of Possession and Monetary Order for rental arrears through a previous direct request proceeding. This was confirmed through the file number.

The parties also testified that no One Month Notice to End Tenancy for Cause was ever served on the tenant and also that the tenant had since vacated the rental unit.

Accordingly, I find that the tenant's request to cancel the 10-Day Notice to End Tenancy for Unpaid Rent, has already been determined as an Order of Possession had been granted in favour of the landlord.

An arbitrator is bound by prior dispute resolution decisions made with respect to a tenancy and a subsequent arbitrator has no authority to reconsider any previous

findings or decisions that were rendered on the same matter, because the first decision is final and binding.

I find that the tenant is not entitled to a refund of the security deposit as the landlord has obtained a Monetary Order against the tenant for rental arrears.

I find that all of the other requests made by the tenant in their application are now moot as the tenancy has ended.

Given that I am bound by the earlier finding, this matter cannot proceed as I find that I have no statutory authority under the Act to hear, nor decide, the dispute between these two parties. I therefore decline to hear or consider this application.

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: September 04, 2013

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Residential Tenancy Branch

