



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      DRI, O

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a notice of rent increased, issued on July 24, 2013 and to be effective December 1, 2013.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

### Preliminary issue

At the outset of the hearing the tenant stated that there was a dispute resolution hearing on January 9, 2013, regarding a rent increase that was effective December 1, 2012. The tenant stated that the rent increase should only be on the pad rental. The tenant stated that this is a rent-to-own situation and the matter is currently before the Supreme Court.

At that hearing on January 9, 2013, the arbitrator declined to hear the matter for lack of jurisdiction because the issue was before the Supreme Court. The Supreme Court has not yet rendered a decision on the rent-to-own contract.

Therefore, as this application identifies the same issues involving the same parties. I find the legal principal of Res judicata, would apply as this matter was heard and a decision was made on January 9, 2013. As a result, I decline to accept jurisdiction and decline to hear this matter.

Additionally, section 80 of the Act sets out the time frames in which a Review of a decision can be applied for. Neither party filed for a review of the decision that was made on January 9, 2013.

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 20, 2013

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Residential Tenancy Branch

