



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MT, CNC

Introduction

The tenant applied requesting more time to cancel a 1 month Notice to end tenancy for cause issued on July 19, 2013.

The tenant's advocate stated that the landlord was served with Notice of the hearing, sent via registered mail. The landlord did make a significant evidence submission; however the landlord did not attend the hearing.

The advocate confirmed that on August 23, 2013 the landlord was issued an Order of possession, based on an August 2, 2013, ten day Notice to end tenancy (file #####.)

As a result of the hearing held on August 23, 2013, the tenant applied requesting review consideration, as she had not been in attendance at that hearing.

On September 6, 2013 a review consideration decision was issued that rejected the tenant's submission she had not been served with Notice of the August 23, 2013 hearing. The review decision determined that the tenant had been served with Notice of the hearing and confirmed the August 23, 2013 decision.

As the landlord has been issued an Order of possession that was confirmed after the tenant's review consideration application; I found that the end of this tenancy has been previously determined. The principle of res judicata applies; if a matter has already been decided it cannot be altered. The tenant is at liberty to seek a judicial review of the previous decision.

Section 59(5)(a) of the Act provides the authority decline an application when it does not comply with 59(2)(b) of the Act, when it does not disclose a dispute that may be determined.

Therefore, as the tenancy has ended I find that the application requesting more time to cancel a 1 month Notice ending tenancy is declined, as the tenancy has already ended based on a 10 day Notice ending tenancy.

This decision does not extend any legislated time-frame.

Conclusion

This application is declined as the tenancy has previously been ended.

This decision does not extend any legislated time frames.

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 16, 2013

Residential Tenancy Branch