



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNR, OPT, AAT. FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end this tenancy due to unpaid rent and obtain an order of possession and for the landlord to allow access to the unit, inclusive for the recovery of the filing fee.

I accept the tenant's evidence that despite the landlord having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the landlord did not participate in the conference call hearing.

Issues to be Decided

Is the 10 Day Notice to End Tenancy for unpaid rent effective to end this tenancy?

Background and Evidence

The relevant evidence in this matter is as follows. The tenant testified that they received from the landlord an Order of Possession effective December 27, 2013 and a Monetary Order for a quantum of unpaid rent. The tenant has acted on the Order of Possession and has since vacated the rental unit. The tenant produced the file number for the Direct Request application upon which the aforementioned Orders rendered. The tenant explained that what remains is for the landlord and tenant to arrange for the retrieval of certain belongings of the tenant.

Analysis

I find this tenancy has ended and I find that the claims of this dispute are *res judicata* as all matters of this application have already been decided in the appropriate forum, and I therefore **dismiss** the tenant's application.

Conclusion

The tenant's application **is dismissed**.

This Decision is final and binding on both parties.

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: January 29, 2014

Residential Tenancy Branch

