



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, OPR, OPB, MNR, MNDC, MND, FF

Introduction

This was a cross-application hearing.

The tenants applied to cancel a Notice ending tenancy for cause and to recover the filing fee costs.

The landlord applied requesting an Order of possession, compensation for unpaid rent, compensation for damage or loss under the Act, compensation for damage to the unit and to recover the filing fee costs.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants and each party was affirmed. The parties confirmed receipt of each other's application and hearing package.

The parties acknowledged that on January 6, 2014 a decision was issued (file 8145959 & 814653) in which jurisdiction was declined. The arbitrator was not satisfied that the tenants did not have an ownership interest in the property and that it is "*entirely possible that the tenants may have some registrable interest in the property.*"

Section 77 of the Act provides:

(3) Except as otherwise provided in this Act, a decision or an order of the director is final and binding on the parties.

Res judicata is a rule in law that a final decision, determined by an Officer with proper jurisdiction and made on the merits of the claim, is conclusive as to the rights of the parties and constitutes an absolute bar to a subsequent application involving the same claim. As the matter of jurisdiction has been previously decided; that finding is final and binding.

Conclusion

Jurisdiction has been previously declined.

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: March 19, 2014

Residential Tenancy Branch

