



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: CNR / OPR

### Introduction / Background / Evidence

In response to the tenant's application to cancel a notice to end tenancy for unpaid rent, this hearing was scheduled to commence by way of telephone conference call at 9:30 a.m. on February 04, 2015. Landlord "SB" was present and orally requested an order of possession. The tenant had not appeared by 9:40 a.m. and the call was then ended.

By way of Direct Request Proceeding, the landlords earlier applied for an order of possession and a monetary order as compensation for unpaid rent. Pursuant to the resulting decision of January 21, 2015, an order of possession and a monetary order were issued in favour of the landlords. During the present hearing landlord "SB" stated that both orders were served in-person on the tenant on February 02, 2015.

The doctrine of *res judicata* provides that a final judgment on the merits by a court having jurisdiction is conclusive between the parties. Accordingly, as this matter has previously been decided, I decline jurisdiction to consider the tenant's application and the landlord's oral request. Pursuant to section 79 of the Act which addresses **Application for review of director's decision or order**, the tenant has the option of applying for review consideration of the decision or orders dated January 21, 2015.

### Conclusion

I decline jurisdiction to consider the tenant's application and the landlord's oral request.

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: February 04, 2015

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Residential Tenancy Branch

