



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants for more time to dispute a notice to end a tenancy and for an order cancelling a notice to end tenancy for unpaid rent or utilities.

One of the tenants attended the hearing and represented the other named tenant. However, despite being personally served with the Tenant's Application for Dispute Resolution and notice of this hearing on March 23, 2014, no one for the landlord attended. The line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and the only participant who joined the call was the tenant. The landlord has provided evidentiary material, and I therefore accept the testimony of the tenant, and I am satisfied that the landlord has been served in accordance with the *Residential Tenancy Act*.

All evidence and the testimony of the tenant has been reviewed and is considered in this Decision.

Issue(s) to be Decided

- Should the tenants be permitted more time to dispute a notice to end the tenancy given by the landlord?
- Should the notice to end tenancy for unpaid rent or utilities be cancelled?

Background and Evidence

The tenant testified that the parties had been to Arbitration and a decision of the director was rendered on March 24, 2015. The landlord had applied for a monetary order as against the tenants and was successful in obtaining a monetary order for unpaid rent. The tenants dispute the monetary amount awarded to the landlord. The tenants applied

for a review of that Decision but were unsuccessful. The tenants filed the application for dispute resolution on March 23, 2015.

Analysis

The tenants seek an order that I reduce the amount of a monetary order made by another Arbitrator at a previous hearing.

I accept that the tenants' application was filed prior to receiving the Decision, however, I explained to the tenant the legal principle of res judicata which is a doctrine that prevents rehearing of claims and issues arising from the same cause of action between the same parties, after a final judgment was previously issued on the merits of the case.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed without leave to reapply.

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: April 25, 2015

Residential Tenancy Branch

