



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

I ntroduction

This hearing was scheduled to deal with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice") pursuant to section 46.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the outset the landlord testified that this matter had already been adjudicated at an earlier hearing under the file numbers on the first page. I issued the landlord with an Order of Possession at that hearing based on the 10 Day Notice provided to the tenant on December 2, 2016 and identified in the tenant's current application. At the January 27, 2017 hearing, the landlord's representatives testified that the landlord was not planning to act on the present 10 Day Notice of January 2, 2017. At the current hearing, the tenant withdrew her application to cancel the 10 Day Notice.

I make no finding with respect to the issuance of an Order of Possession, as I issued a final and binding decision regarding that matter on January 16, 2017. The legal principle of *res judicata* prevents me from making a new decision regarding that matter as a decision has already been issued in that regard.

Conclusion

The tenant's application is withdrawn and dismissed without leave to reapply.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: February 1, 2017

Residential Tenancy Branch