



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Ross Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, CNL, MNDC, O

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause; an order cancelling a notice to end the tenancy for landlord's use of property, and for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement. The tenant and an agent for the landlords attended the hearing and the tenant was accompanied by a support person.

The parties were given the opportunity to discuss settlement of this dispute, during which it was determined that the tenant's application is to set aside a Decision made on December 29, 2016 in the matter of an Arbitration pursuant to the "*Westbank First Nations Residential Premises Law No. 2008-0, a law to Regulate Residential Premises on Westbank Lands.*"

I explained to the parties 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. An Arbitrator does not have any jurisdiction to stand in appeal of a Decision made by another Arbitrator, which I find is the intent of the tenant's application before me.

Therefore, I dismiss the tenant's application.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: February 21, 2017

Residential Tenancy Branch

