



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

This matter was scheduled for a conference call at 9:30 a.m. on this date. Both parties participated in the hearing. The landlord file an application seeking an order of possession and monetary order for unpaid rent and utilities based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on February 5, 2017. Both parties confirmed that on March 10, 2017 the matter was heard before another Arbitrator on March 6, 2017 whereby the tenant was successful in having this particular notice set aside and cancelled.

Black's Law Dictionary defines *res judicata*, in part as follows:

Rule that a final judgement rendered by a court of competent jurisdiction on the merits is conclusive as to the rights of the parties and their privies, and, as to them, constitutes an absolute bar to a subsequent action involving the same claim, demand or cause of action.

Therefore based on the definition of *res judicata* I must dismiss the landlord's application.

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 29, 2017

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Residential Tenancy Branch