



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

On March 6, 2017, the Landlord submitted an Application for Dispute Resolution for an order of possession; for a monetary order for unpaid rent or utilities; to keep the security deposit; and to recover the cost of the filing fee. The matter was set for a conference call hearing on this date.

The Landlord and Tenant attended the hearing.

### Preliminary and Procedural Matters

The parties participated in dispute resolution hearing on March 24, 2017, for the same matters listed within the Landlord's Application. The Tenant applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 22, 2017.

In my decision dated March 27, 2017, I found that the Tenant paid the rent for February 2017, and I set aside the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent dated February 22, 2017, and I ordered that the tenancy will continue.

The Landlord is seeking an order of possession and a monetary order for unpaid rent based on the same 10 Day Notice to End Tenancy for Unpaid Rent or Utilities that was considered and set aside in the previous hearing.

The Landlord was informed that I cannot hear his Application.

The Landlord submitted that he has received my Decision dated March 27, 2017, and does not agree with it. The Landlord stated that my Decision is a joke and that I was not willing to hear him. The Landlord stated "*you people always find in favor of him*".

The Residential Tenant Branch case management system contains no record that the Landlord applied for a review of my decision.

Analysis

I cannot re-hear and change or vary a matter already heard and decided upon as I am bound by the earlier decision, under the legal principle of Res Judicata. Res judicata is a rule in law that a final decision, determined by an officer with proper jurisdiction and made on the merits of the claim, is conclusive as to the rights of the parties and constitutes an absolute bar to a subsequent Application involving the same claim.

I find that the Landlord's application contains issues that were decided in an earlier hearing. The Landlords application is dismissed.

Conclusion

The Landlords application is 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 *Residential Tenancy Act*.

Dated: April 07, 2017

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Residential Tenancy Branch