



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), this hearing was scheduled to hear the applicants' application for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The applicants were represented by their agent MM at the hearing. The respondent did not attend the hearing.

Preliminary Issue-Jurisdiction

There was a previous hearing regarding this tenancy under the file number provided on the first page. At that hearing another arbitrator found that this tenancy falls outside of the jurisdiction of this Branch to consider as it is excluded pursuant to section 4(e) of the *Act*. I find that I have no jurisdiction to consider a matter that has already been the subject of a final and binding decision by another arbitrator appointed under the *Act*.

Conclusion

I decline to rule on this matter as I am bound by the finding of the previous arbitrator that I have no jurisdiction to consider this 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: April 6, 2017

Residential Tenancy Branch