



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This is an application brought by the tenants asking for a chance to have their say about their stay in this rental unit.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

All testimony was taken under affirmation.

Decision in reasons

A dispute resolution hearing was held on November 16, 2016, and a decision and Order were issued on that same date.

The tenants on this application, were the respondents on the November 16, 2016 decision, and at that time a monetary order was issued against the tenants.

The tenants did not attend the original hearing, and in the written statement provided for today's hearing the tenant's mother states that they got the notice of dispute resolution sometime in October of 2016 however she advised the tenants to just ignore the landlord.

The landlord, having received a monetary order, subsequently registered it with the Court and the tenants were summons to a payment hearing; however in the meantime the tenants mother, on behalf of the tenants, applied for dispute resolution, requesting their opportunity to be heard, and was told, by the Court, that the Court date would be adjourned until a decision was made by the Residential Tenancy Branch.

It is my decision that I do not have the jurisdiction to rehear this case, as the matter has already been heard by an Arbitrator in a previous hearing, and a decision has been issued.

The tenant's opportunity to be heard on this matter was at the original hearing held in November of 2016, which the tenants failed to attend, even though they, as stated in the written statement, had received the dispute resolution letter.

Section 77(3) of the Residential Tenancy Act states:

77(3) Except as otherwise provided in this Act, a decision or an order of the director is **final and binding** on the parties. *(My emphasis)*

Final and binding means exactly that, the decision is final, and the parties are bound by that decision, and therefore, they do not have the right file another claim to, as the tenants mother put it, have their say, that opportunity is past.

Conclusion

I declined jurisdiction over this matter, as the matter is "Res Judicata"

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: May 02, 2017

Residential Tenancy Branch