



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNR

Introduction

Both parties and a witness attended the hearing and gave sworn testimony. The landlord confirmed they received the tenant's Application for Dispute Resolution. I find the documents were served pursuant to section 89 of the Act for the purposes of this hearing.

Preliminary Issue:

Counsel for the landlord said that this matter had been heard and decided in a previous hearing held on May 10, 2017. As far as the landlord was concerned, the settlement agreement entered into at that time was still in effect, other than the end of tenancy date. The tenant has given Notice to End his tenancy on June 28, 2017 rather than wait until August and the landlord has accepted his Notice.

The tenant agreed this was correct. He said when he filed his Application on May 8, 2017, it was prior to the hearing on May 10, 2017. He tried to cancel this Application but was told by Service BC that it could not be done.

Analysis and Conclusion

As this matter was heard and decided on May 10, 2017, I find this Application is res judicata. I dismiss this Application of the tenant. No filing fee was paid so none is awarded.

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: June 20, 2017

Residential Tenancy Branch