



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ASK WELLNESS SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction

On October 2, 2017, the Landlord submitted an Application for Dispute Resolution for an early end of tenancy. The matter was scheduled as teleconference hearing. The Landlord and Tenant attended the hearing.

The Landlord and Tenant were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

At the start of the hearing the Tenant submitted that he is confused about why this hearing would proceed because the parties participated in a hearing two weeks prior and the Arbitrator found in his favor. The Tenant provided the file number for the hearing.

A review of the file and Decision dated November 20, 2017, indicates that the parties participated in a dispute resolution hearing on November 20, 2017. The Tenant applied to cancel a 1 Month Notice To End Tenancy For Cause. An Arbitrator considered the submissions of the parties and set aside the 1 Month Notice To End Tenancy For Cause and ordered that the tenancy will continue.

The Landlord applied for dispute resolution on October 2, 2017, prior to the November 20, 2017 hearing.

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 the same issues and concerns that were considered and decided in an earlier hearing. The Landlords application for an early end of tenancy is dismissed in its entirety.

Conclusion

I find that the Landlord's application contains the same issues and concerns that were considered and decided in an earlier hearing. The Landlords application for an early end of tenancy is dismissed in its entirety.

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: November 30, 2017

Residential Tenancy Branch