



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants to cancel a One Month Notice to End Tenancy for Cause (the "Notice"), issued on October 11, 2017 and to recover the cost of the filing fee.

Both parties appeared.

Preliminary and procedural matter

In this matter the tenants made an earlier Application for Dispute Resolution to cancel the Notice. Their application was heard on January 4, 2018; at that hearing the Arbitrator dismissed the tenants' application and granted the landlord an order of possession. I have noted the related file number on the covering page of this decision.

The tenants' did not file for an Application for Review Consideration, although the audit notes indicate they were given information on how to make this application.

I find that due to the legal principle of Res judicata, I cannot grant the tenants request to hear the issue of the Notice as this matter was already heard and decided upon at the hearing of January 04, 2018, which dismissed the tenants' application and granted the landlord an order of possession.

Additionally, section 73 of the Act sets out the time frames in which a Review of a decision can be applied for. The tenants did not file for a review as required by the Act. Therefore, I dismiss the tenants' application as this matter has been heard and a decision made.

The Decision and Order made on January 4, 2018, stand and remain in full force and effect.

Conclusion

The tenants' application is dismissed as this matter was already heard on January 4, 2018 and a decision made.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: February 19, 2018

Residential Tenancy Branch