



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants to cancel a One Month Notice to End Tenancy for Cause issued on January 22, 2018.

Both parties appeared.

Procedural matter

In this case, the landlord had filed an Application for Dispute Resolution on January 22, 2018, requesting an order of possession. This matter was heard on February 28, 2018, and a decision was rendered on March 1, 2018. The Arbitrator determined that the Residential Tenancy Branch has jurisdiction over the matter and granted the landlord's application for an order of possession. Filed in evidence is a copy of the Decision and Order made on March 1, 2018. The file number has been noted on the covering page of this decision.

The landlord applied to Supreme Court on March 15, 2018, and a Writ of Possession was issued for the subject property that is before me at today's hearing. Filed in evidence is a copy of the Writ of Possession. The Supreme Court file number has been noted on the covering page of this decision.

I find that due to the legal principal of Res judicata, I cannot grant the tenants' request to hear this matter as it was already heard and decided upon. Therefore, I dismiss the tenants' application without leave to reapply.

Conclusion

The tenancy has legally ended. The tenants' application is dismissed.

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: March 29, 2018

Residential Tenancy Branch