



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, FFT, MNDCT, PSF

Introduction:

This hearing was convened in response to an Application for Dispute Resolution filed by the Tenant in which the Tenant applied to cancel a Notice to End Tenancy for Unpaid Rent or Utilities, for a monetary Order for money owed or compensation for damage or loss, for an Order requiring the Landlord to provide services or facilities, and to recover the fee for filing this Application for Dispute Resolution.

The Tenant stated that on April 12, 2018 or April 13, 2018 the Application for Dispute Resolution, the Notice of Hearing, and documents the Tenant submitted to the Residential Tenancy Branch on April 13, 2018 were sent to the Landlord, via registered mail, at the service address noted on the Application. Legal Counsel for the Landlord acknowledged receipt of these documents and the evidence was accepted as evidence for these proceedings.

On April 06, 2018 the Landlord submitted 9 pages of evidence to the Residential Tenancy Branch. Legal Counsel for the Landlord stated that this evidence was served to the Tenant, via registered mail, although he is not certain of the date of service. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

Issue(s) to be Decided:

Do I have jurisdiction in the matter?

If I have jurisdiction in this matter is the Tenant entitled to a monetary Order?

If I have jurisdiction in this matter should a Notice to End Tenancy be set aside?

If I have jurisdiction in this matter is there a need to issue an Order requiring the Landlord to provide services or facilities?

Background and Evidence:

The Landlord and the Tenant agree that this tenancy was the subject of a dispute resolution proceeding on March 13, 2018. I adjudicated that matter and rendered a decision on March 14, 2018. Both parties submitted a copy of that decision. The file number for the decision dated March 14, 2018 appears on the first page of this decision.

The Landlord and the Tenant agree that in my decision of March 14, 2018 I concluded that I do not have jurisdiction over this living arrangement.

The parties were advised that I believe the issue of jurisdiction was determined on March 14, 2018 and cannot, therefore, be reconsidered at these proceedings. Legal Counsel for the Landlord agreed with that position. The Tenant made no submissions regarding the issue of res judicata or jurisdiction.

Analysis:

Res judicata is a rule in law that declares 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 claim involving the same matter.

As I have previously determined that I do not have jurisdiction over this living arrangement, I find that the principle of res judicata applies and I do not have authority to re-consider whether I have jurisdiction in this matter.

Conclusion:

The Application for Dispute Resolution is dismissed, as I do not have jurisdiction over this matter. 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 01, 2018

Residential Tenancy Branch