



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VML - VANCOUVER MANAGEMENT LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT CNR OLC OPT RP RR

Introduction

This hearing was convened in response to an application by the tenant filed September 13, 2018 for more time to make an application to dispute a landlord's Notice to End. If successful to dispute a Notice to End for Unpaid Rent, an Order of Possession for the tenant, a reduction of the payable rent, repairs to the unit and for the landlord to comply with the Act.

The tenant and 2 of the landlord's representatives all attended the conference call hearing and provided testimony.

Preliminary matters – availability of remedy under the Act

A hearing in respect to this tenancy was previously attended by both parties, and a consequent Decision of that matter as identified on the style of cause page occurred August 31, 2018. The outcome of that Decision determined the tenancy would end in accordance with the Order of Possession granted the landlord. The prescribed time period to request a Review of that Decision has elapsed. The tenant has instead filed this application to again dispute the previous issue before the Arbitrator respecting the status of the tenancy. It is undisputed that a bailiff acting upon a Supreme Court Writ rendered the rental unit vacant.

I find that this tenancy ended in accordance with a Decision of the Director. I find the primary issue respecting the status of the tenancy *res judicata*; having been determined in the appropriate forum in final judgement on the merits of the matter.

As a result of all the above, I find I have no additional authority to determine any portion of this application as all of the items placed on the application solely address a surviving tenancy.

As a result of the above this application **is dismissed**, without leave to reapply.

Conclusion

The tenant's application is dismissed, without leave to reapply.

This Decision is final and binding

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: October 29, 2018

Residential Tenancy Branch