



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on November 27, 2018 (the "Application"). The Tenants applied for an order allowing more time to make an application for dispute resolution, pursuant to section 66 of the *Residential Tenancy Act* (the "Act").

The Tenants were represented at the hearing by K.J. The Landlord was represented at the hearing by S.P.G. Both K.J. and S.P.G. provided a solemn affirmation.

At the outset of the hearing, the Application was discussed with the parties. Specifically, it was noted that the Landlord's written submissions indicate the Landlord was granted an order of possession on November 29, 2018. The order was based on an undisputed notice to end tenancy for unpaid rent or utilities, and is effective two (2) days after service on the Tenants. The number of the related file is included above for ease of reference.

In light of the above, and due to section 77(3) of the *Act* and the legal principal of *res judicata*, I cannot hear the Tenants' Application. The matter of a notice to end tenancy for unpaid rent or utilities was already heard and decided upon, as summarized in the direct request decision dated November 29, 2018, on which date a final and binding decision was issued.

The Tenants' Application is dismissed, without leave to reapply.

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: January 11, 2019

Residential Tenancy Branch