



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes                      CNR, FFT, CNR, FFT CNR, FFT, CNC, FFT

### Introduction

This hearing dealt with four Applications for Dispute Resolution filed by the applicant under the *Residential Tenancy Act* (the “Act”). The matter was set for a conference call.

The Applicant’s first Application for Dispute Resolution was made on January 11, 2018. The Applicant applied to cancel a 10-Day Notice for Unpaid Rent or Utilities and to recover the filing fee. The Applicant’s second Application for Dispute Resolution was made on January 11, 2018. The Applicant applied to cancel a One-Month Notice to End Tenancy for Cause and to recover the filing fee. The Applicant’s third Application for Dispute Resolution was made on January 14, 2018. The Applicant applied to cancel a One-Month Notice to End Tenancy for Cause and to recover the filing fee. The Applicant’s forth Application for Dispute Resolution was made on January 14, 2018. The Applicant applied to cancel a 10-Day Notice for Unpaid Rent or Utilities and to recover the filing fee. The matter was set for a conference call.

The Applicant, her spouse and her Counsel (the “Applicant”) and the Respondent attended the hearing. The Applicant and the Respondent were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all the evidence and testimony before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary Matter

Jurisdictional issues were brought up at the outset of the hearing.

The Applicant testified that they were waiting on the final decision, regarding jurisdiction, from a previous hearing with the Residential Tenancy Branch (RTB). The Applicant testified that they do not believe that the RTB has jurisdiction to hear this dispute and requested an adjournment

pending the decision for the previous hearing. The Previous hearing number is recorded on the style of cause page of this decision.

The Respondent agreed that the matter of jurisdiction for this tenancy is currently before another Arbitrator.

Both parties agreed that this hearing should be adjourned pending the decision of the other Arbitrator, from the previous hearing.

### Analysis

Based on the evidence before me, the testimony of the parties, and on a balance of probabilities, I find as follows:

*Res judicata* is the legal doctrine preventing, the rehearing of an issue that has been previously settled by a decision determined by an Officer with proper jurisdiction.

I have read the previous decisions, and I find that the principle of *res judicata* bars me from considering jurisdiction on the Applicants application, as it has already been determined that the *Residential Tenancy Act* does not apply to the dispute between these parties.

Therefore, I must decline jurisdiction over this application.

### Conclusion

I decline jurisdiction over the dispute between these parties.

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: February 27, 2019

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Residential Tenancy Branch