



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held on March 4, 2019. The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice).

The Landlord's agent, C.M., attended the hearing and provided testimony. The Tenant also attended the hearing and provided testimony. Both parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence 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 Matters

During the hearing, the Landlord explained that they already applied for dispute resolution based on this 10 Day Notice the Tenant is seeking to cancel. The Landlord stated that they issued the 10 Day Notice in person to the Tenant on January 3, 2019, and they were issued an order of possession on January 22, 2019. The Tenant applied to cancel the Notice, but did not do so until January 19, 2019, which is well after the allowable timeframe for this type of Notice.

The Landlord stated that they had the bailiff come to remove the Tenant a couple of days ago, but the Tenant stated that she has let herself back into the rental unit, and wants to keep staying there. As stated in the hearing, the tenancy is over, and it ended

when the Landlord obtained an order of possession on January 22, 2019. At this point, the Tenant is squatting on the property, as she is there without consent and without a tenancy agreement. As such, she has no rights as a tenant under the Residential Tenancy Act.

Further, since the tenancy has already ended, and a decision has already been made on the 10 Day Notice, which is the subject of this hearing, I decline to hear this matter, pursuant to the doctrine of *Res judicata* (that an issue has been definitively settled by a previous decision.)

### Conclusion

I dismiss the Tenant's application 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: March 7, 2019

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Residential Tenancy Branch