



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the Act") for an early end to this tenancy and an Order of Possession pursuant to section 56; and authorization to recover the filing fee for this application, pursuant to section 72.

While the landlord attended the hearing by way of conference call, the tenants did not. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord indicated in the hearing that he had filed an application for a direct request proceeding, and was awaiting the outcome of that application. I have confirmed that the ex parte direct request proceeding had taken place on the same morning as this scheduled hearing, and a decision was already made on this matter. The Adjudicator had granted the landlord's application for an Order of Possession for this tenancy.

As the landlord has already been granted an Order of Possession for this tenancy I find that this current application is res judicata meaning the matter has already been conclusively decided and cannot be decided again. Accordingly, I dismiss the landlord's application.

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 11, 2019

Residential Tenancy Branch