



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT, FFT

Introduction

(Note: Additional File was closed by way of a Review Consideration Decision on March 22, 2019. This Decision only pertains to the tenant's application.)

The tenant sought an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") under section 46 of the *Residential Tenancy Act* (the "Act"), more time to file an application for dispute resolution under section and compensation for the cost of the filing fee under section 72 (1) of the Act.

The tenant applied for dispute resolution on March 14, 2019 and a dispute resolution hearing was held on May 6, 2019. The landlord attended the hearing, which commenced at 11:00 A.M. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The tenant did not attend the hearing, which ended at 11:05 AM.

Preliminary Issue: *Res Judicata*

The landlord's application (the Additional File noted above) resolved the particulars of the dispute concerning the tenancy. The legal principle of *res judicata* means "a thing adjudicated" cannot be reheard again. In this case, the issues of the tenant's application were dealt with previously, and therefore cannot be heard again.

For this reason I dismiss the tenant's application without leave to reapply.

Conclusion

I hereby 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 Act.

Dated: May 9, 2019

Residential Tenancy Branch