



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenants' application pursuant to section 46 of the *Residential Tenancy Act* (the "Act") to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice").

The applicants did not attend this hearing which lasted 10 minutes. The respondent appeared and was given a full opportunity to make submissions and present affirmed testimony.

There was a previous hearing of this matter under the file number on the first page of this decision where the landlord was issued an Order of Possession.

The principle of *res judicata* prevents an applicant from pursuing a claim that has already been conclusively decided. As another arbitrator has found that the landlord's 10 Day Notice is effective and has issued an Order of Possession, I find I do not have the ability to make a new finding. I find that the present application pertains to a matter that has been conclusively decided and not open to a new decision. As such I dismiss the application in its entirety.

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 28, 2020

Residential Tenancy Branch