



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Realstar Management  
and [tenant name suppressed to protect privacy]

## **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, by teleconference, on March 25, 2021. The Tenant applied to cancel a Notice to End Tenancy, she received on December 1, 2020, pursuant to the *Residential Tenancy Act* (the "Act").

Both parties were present at the hearing and were provided the opportunity to present their evidence orally and in written and documentary form, and 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 parties confirmed there was a hearing that took place on March 23, 2021, whereby the Landlord already obtained an order of possession for the rental unit, based off of a Notice to End Tenancy issued on December 1, 2020. Since a decision has already been rendered with respect to whether or not the Landlord is entitled to an order of possession, I find must adhere to the principle of *res judicata*, which is a rule in law that a final decision, determined by an Officer with proper jurisdiction and made on the merits of the claim, is conclusive as to the rights of the parties and constitutes an absolute bar to a subsequent Application involving the same claim.

I have no authority in this hearing to make further determinations regarding the previous order of possession, or the related Notice to End Tenancy, received by the Tenant on

December 1, 2020. I find the issue applied for on this application, is now moot, given the Landlord has already been issued an order of possession based on the same Notice earlier this week.

Accordingly, based on the legal principle of *res judicata*, I decline to hear the issues presented by the Tenant. Previous decision file numbers have been included on the cover page of this Decision for ease of reference.

I find that the Tenant's application is dismissed, 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 25, 2021

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Residential Tenancy Branch