



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, RP, OLC**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- Cancellation of a 1 Month Notice to End Tenancy for Cause pursuant to section 47;
- An order that the landlord perform repairs pursuant to section 33; and
- An order that the landlord comply with the Act, regulations or tenancy agreement pursuant to section 62.

This matter was set for hearing by telephone conference call at 9:30 am on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent and the tenant's advocate.

At the outset of the hearing the landlord said that there was a previous hearing on February 1, 2021 under the file number on the first page of this decision wherein the landlord was issued an Order of Possession ending this tenancy. The landlord said that the Order has been enforced granting the landlord vacant possession of the rental unit.

In accordance with the principles of res judicata I do not have the ability to make a finding on a matter conclusively determined by another arbitrator. I accept that this tenancy has already ended and the tenant's present application pertains to relief pertaining to an ongoing tenancy. I therefore find I have no jurisdiction to consider the tenant's application, even if the tenant had attended the hearing to pursue their application.

Conclusion

The tenant's application is dismissed in its entirety 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 19, 2021

Residential Tenancy Branch