



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC LRE

Introduction

The tenant filed an Application for Dispute Resolution on January 23, 2021 seeking a cancellation of the One Month Notice to End Tenancy for Cause (the “One-Month Notice”). They also applied for a suspension or restriction on the landlord’s right to enter the rental unit. The matter proceeded to a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on April 15, 2021.

The landlord and tenant attended the conference call hearing. At the outset, both parties affirmed an oath to state that their oral testimony and presentation of evidence were truth.

Preliminary Matters

At the beginning of the hearing, the tenant stated at the outset that an eviction occurred on February 5, 2021. This was the result of a previous hearing on January 18, 2021 regarding the One-Month Notice issued by the landlord on October 19, 2020. The tenant did not attend that hearing, and the Arbitrator issued an Order of Possession to the landlord, dated January 19, 2021. The tenant explained how they were not able to connect to the conference call hearing.

Both the landlord and the tenant confirmed was an eviction that occurred on February 5, 2021. There was a consensus that the original One-Month Notice was served on October 19, 2020.

In this present dispute, the tenancy has ended. The tenant’s Application appears to be related to the Order of Possession, issued on January 19, 2021, and executed by way

of an eviction on February 5, 2021. Because of this, I find it unnecessary to decide the issue.

The matter is *res judicata*. This is the rule of law which provides that a final decision is conclusive as to the rights of the parties and constitutes a bar to a subsequent application involving the same claim. It is unnecessary to decide on the validity of the One-Month Notice issued by the landlord on October 19, 2020. I dismiss the tenant's Application here, without leave to re-apply.

Because there was no proof that another Notice to End Tenancy was issued by the landlord, I decline to make a decision in this matter based on the facts present.

Because the tenancy has ended, I decline to make a finding on the landlord's right to enter the rental unit. That issue concerns an ongoing tenancy; here, the tenancy has ended. The portion of the tenant's Application is also dismissed without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: April 15, 2021

Residential Tenancy Branch