

DECISION

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

To end tenancies and be granted an order of possession to undertake repairs or renovations.

Both parties appeared and are noted on the covering page of this Decision. The parties confirmed that they received the evidence of the other party.

Preliminary Issues

After the Landlord provided their submissions, the Tenant raised the issue of a previous hearing held on June 27, 2025, and a final decision was made on the same date. Tenant presented a copy of that previous decision for my review.

The Landlord made an application for dispute resolution, on April 22, 2025, seeking to end the tenancy and be granted order an order of possession to undertake repairs or renovations under section 49.2 of the Act, with the following details.

On 21 Apr 2025, I spoke with Kelly from the District of Kent. As I am not removing drywall/vynyl, not moving plumb/light locations, or anything structural, permits are not required. - Bug Exterminate - Kitchen (sink, cabinets, appliances, floor, light fixtures, paint) - Bathroom (vaniety, toilet, tub, light fixtures, door, paint) - Bedroom (floor, window trim, door, paint) - Living room (floor, window trim, paint) I am seeking the tenants vacate, as the units will be inhabitable during.

[Reproduced as written]

The Arbitrator made the following finding.

In this instance, the Landlords, as applicants, bear the onus of proving that they are entitled to an order of possession under s. 49.2 of the Act. By failing to attend the hearing to provide submissions and evidence, I find that they have failed to

prove their claim. Accordingly, I dismiss the Landlords' application **without leave to reapply.**

[Reproduced as written]

The Landlord did not apply for an application for review consideration, within the statutory time limit on the grounds that they were unable to attend the original hearing or part of the original hearing because of circumstances that could not be anticipated and were beyond the party's control, such as being hospitalized. The Landlord did not apply for a judicial review with the Supreme Court of British Columbia within 60 days to challenge the decision made on June 27, 2025.

The decision made on June 27, 2025, was a final binding decision on the parties, under section 77(3) of the Act. I have noted the file number on the cover page of this Decision.

On November 3, 2025, the Landlord filed a new application to seeking to end the tenancy and be granted order an order of possession to undertake repairs or renovations under section 49.2 of the Act, with the following details.

Kitchen demo: replace cabinets, flooring, light fixtures, new paint. Bath demo: replace vanity, toilet, tub enclosure, new paint. Bedroom demo: replace flooring, paint and install new doors. Living area: replace flooring, drywall repairs, paint walls and ceiling. There is an ant infestation as noted in the attached evidence photographs with holes in the wall that require the tenant to vacate to bring the unit back to a livable standard that is habitable.

I find the Landlord was not entitled to file a new application seeking the same relief as the claim is the same. I find this matter has already been heard and a final decision made on June 27, 2025, dismissing the Landlord's application without leave to reapply. Therefore, I decline to hear the matter as the principal of res judicata applies, as a final and binding decision was made on June 27, 2025.

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: December 2, 2025

Residential Tenancy Branch