

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC and FF

Introduction

This application was brought by the landlords on January 14, 2011 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served on January 5, 2011 by posting on the tenant's door. The landlords also sought a Monetary Order for the unpaid rent, anticipated loss of rent, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

As a matter of note, this tenancy was the subject of a hearing on January 20, 2011 on the tenant's application.

In addition, according to the landlord attending the present hearing, the tenant vacated the rental unit on January 15, 2011. The tenant did not participate in the present hearing.

Issues to be Decided

This matter now requires a decision on whether there are any outstanding issues to be resolved in this application that have were not determined by the end of the tenancy or the previous hearing.

Background, Evidence and Analysis

In the present application, the landlords claim and I find as follows:

Order of Possession. As the tenant has vacated the rental unit, the request for an Order of Possession is dismissed as moot.

January rent - \$600. In the hearing of September 20, 2011, the Dispute Resolution Officer made a finding that the landlord had breached the tenant's right to quiet enjoyment and ordered that the tenant did not have to pay the rent for January 2011 in compensation. Therefore, this claim is dismissed as *res judicata* (previously decided).

February rent - \$600. The present hearing took place before the month claimed. The claim, therefore, is dismissed.

Security deposit. The decision of January 20, 2011 ordered the landlords to return the tenant's security deposit. Therefore, this claim is dismissed as *res judicata*.

Conclusion

This application is dismissed in its entirety without leave to reapply.

January 27, 2011