



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened by way of conference call in repose to the landlord's application for an Order permitting the landlord to keep all or part of the tenant's security deposit; and to recover the filing fee from the tenant for the cost of this application.

The landlord and tenant provided documentary evidence to the Residential Tenancy Branch.

Preliminary Matter

From the evidence provided I find a previous hearing took place on November 07, 2011 on the tenant's application for the return of double the security deposit and a monetary order was issued in favour of the tenant. The landlord has now applied to keep the security deposit and to have the previous file temporally suspended until this matter is resolved.

Section 77 of the *Act* states that, except as otherwise provided in the *Act*, a decision or an order is final and binding on the parties. Therefore any findings made by the Dispute Resolution Officer that presided over the prior hearing are not matters that I have any authority to alter and any decision that I render must honour the existing findings. The landlord's application in this matter concerns the landlords request for an order to retain the security deposit is therefore dismissed as this matter has already been determined in the previous hearing.

Conclusion

Therefore no hearing took place today as the principle of res judicata applies when the matter has been previously determined. The landlord's application is therefore 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: February 28, 2012.

Residential Tenancy Branch