



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This matter dealt with an application filed by the Tenant on March 6, 2012 for the return of a security deposit and pet damage deposit that was heard on May 7, 2012. The matter was remitted back for hearing pursuant to s. 82 of the Act and both Parties were given notice of the re-convened hearing. Tenant did not attend the re-convened hearing but instead submitted a written statement.

### Issue(s) to be Decided

1. Is the Tenant entitled to the return of a security deposit and pet damage deposit?

### Background and Evidence

The Tenant's application was originally heard on May 7, 2012 and he was granted a Monetary Order in the amount of \$850.00. The Landlord did not attend that hearing but subsequently applied for a Review of the Decision in which he claimed that he had already been awarded the security deposit and pet damage deposit in a previous proceeding in partial satisfaction of a monetary award for a loss of rental income. The Landlord's Review application was granted and the Tenant's application was remitted back for hearing today to determine if the Order made May 7, 2012 should be upheld, varied or set aside.

In his written submissions, the Tenant does not dispute that the Landlord was awarded the security deposit and pet damage deposit in a previous proceeding however he alleges that that Decision made November 28, 2011 was based on fraud because he never consented to the renewal of a lease. The Tenant applied for a Review of the Decision made November 28, 2011 however his Review application was dismissed in a Decision issued on January 3, 2012.

Analysis

Given that the Parties' respective applications to keep the security deposit and pet damage deposit have already been dealt with on their merits (in previous Decisions dated November 28, 2011 and January 3, 2012), I find that the Tenant is now barred by the legal principle, ***res judicata***, from re-litigating that issue.

Conclusion

The Tenant's application is dismissed without leave to reapply and the Decision and Order made May 7, 2012 are set aside pursuant to s. 82(3) of the Act. 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: June 12, 2012.

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Residential Tenancy Branch