



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

MNSD

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the tenant seeking a Monetary Order for the return of the security deposit.

The applicant was present and participated in the hearing. Despite being served with the Notice of Hearing documents by registered mail sent on November 30, 2012, the respondent did not appear and the hearing was therefore conducted in the respondent's absence.

### **Preliminary Matter**

A previous hearing was held on November 27, 2012 on the landlord's application and it was found that the tenancy was not within the jurisdiction of the arbitrator and was not governed by the Residential Tenancy Act.

The tenant testified that, after the previous hearing, he sought advice from the Residential Tenancy Branch and was told by the RTB staff that the landlord had no right to keep his security deposit. The tenant testified that he was advised to make his own application for dispute resolution and seek a monetary order against the landlord to force him to refund the deposit.

An arbitrator is bound by prior dispute resolution decisions made with respect to a tenancy and a subsequent arbitrator has no authority to reconsider any previous findings or decisions that were rendered on the same matter, because the first decision is final and binding.

I find that, in the previous decision issued on November 27, 2012, the arbitrator found that this tenancy was not governed by the Act and declined jurisdiction on the basis that the person renting the premises was not considered to be a landlord as defined in the Act.

Given that I am bound by the earlier finding, this matter cannot proceed as I find that I have no statutory authority under the Act to hear, nor decide, the dispute between these two parties. I therefore decline jurisdiction with respect to this application.

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: March 04, 2013

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Residential Tenancy Branch

