



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NACEL PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNSD, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order for the return of the security deposit, in addition to recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

Is the tenant entitled to the return of the security deposit and the filing fee?

Background and Evidence

The tenancy began on April 17, 2012. Rent was \$1,100.00 per month and a security deposit of \$550.00 was paid. The tenancy ended in March 2013.

A hearing was held on May 14, 2013 arising from an application by the landlord for a monetary order. The tenant made this application on May 08, 2013, but it was too late to join this application to that of the landlord.

The hearing proceeded as scheduled on May 04, 2013 and the landlord's application was heard. Both parties appeared at that hearing and a decision was issued on June 04, 2013. The tenant's application was scheduled to be heard on this day, August 02, 2013

In the Conclusion of the aforementioned decision dated June 04, 2013, the Arbitrator found as follows:

Based on the evidence, I find that the landlord has established a total monetary claim of \$1,150.00 comprised of \$1,100.00 for loss of rent for April 2013 and the \$50.00 cost of the application.

I order that the landlord retain the tenant's \$550.00 security deposit in partial satisfaction of the claim leaving a balance still owed of \$600.00.

I hereby grant the landlord a monetary order for \$600.00.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the return of the security deposit was dealt with, in the decision dated June 04, 2013.

Black's Law Dictionary defines *res judicata*, in part as follows:

Rule that a final judgment rendered by a court of competent jurisdiction on the merits is conclusive as to the rights of the parties and their privies, and, as to them, constitutes an absolute bar to a subsequent action involving the same claim, demand or cause of action.

Following from the above, I must dismiss the tenants' application.

Conclusion

Pursuant to all of the above, I hereby dismiss the tenants' 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: August 02, 2013

Residential Tenancy Branch

