



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD MNDC FF

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the Residential Tenancy Act (the Act) for orders as follows:

- a) An Order to return double the security deposit pursuant to Section 38;
- b) An Order for a double the monthly rent pursuant to section 51(2) based on a Notice to End Tenancy which the tenant alleges was served in bad faith;
- c) A Monetary order as compensation for moving and other expenses; and
- d) To recover the filing fee for this application.

### **SERVICE**

Both parties attended the hearing and the tenant provided evidence that she had served the landlord with the Application for Dispute Resolution by registered mail and the landlord acknowledged receipt.

### **Issue(s) to be Decided:**

The tenant previously filed an application to resolve this matter. The tenant/applicant did not attend the hearing by conference call on April 15, 2013 and her application was dismissed without leave to reapply. This is a reapplication so the issues are

- (i) whether I have jurisdiction to hear this matter
- (ii) If I have jurisdiction, whether the tenant proved on the balance of probabilities that the notice to end tenancy was served in bad faith and she is entitled to be compensated for this and other monetary claims based on the allegation; and
- (iii) whether she is entitled to the return of double the security deposit according to section 38 of the Act?

### **Background and Evidence and Analysis:**

I examined the application and evidence on file #801126 and it is identical to this application. The applicant/tenant did not attend the previous hearing and the matter was dismissed without leave to reapply.

I find pursuant to section 77(3) a decision is final and binding on the parties. Therefore, I find I have no jurisdiction to hear this matter.

The landlords (who say they are not the landlords now) requested that I decide that the tenant would be charged with harassment if she makes further applications against them. I find I have no jurisdiction to decide this matter; criminal charges must be laid in the appropriate forum.

**Conclusion:**

Having found that I do not have jurisdiction in this matter I hereby dismiss all of the tenant/ applicant's claims made herein. There shall be no recovery of the filing fee herein.

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 07, 2013

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Residential Tenancy Branch