



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD MNDC O

### Introduction

This hearing dealt with the tenant's application for double recovery of the security deposit and further monetary compensation. The tenant, counsel for the tenant and a witness for the tenant participated in the teleconference hearing.

### Preliminary Issue – Jurisdiction

On January 30, 2014, a hearing was convened pursuant to the landlord's application for an early end of tenancy. In the decision dated January 30, 2014, the arbitrator found that the landlord had not established that the tenancy and claims under the tenancy were governed by or may be determined by the Act.

The arbitrator made a determination that because the owner and the tenant shared a kitchen and bathroom, there was no jurisdiction to hear the landlord's application. As a finding of lack of jurisdiction has already been made, and is therefore *res judicata*, I cannot hear this matter.

### Conclusion

I decline to hear this matter on the basis that the issue of jurisdiction has already been determined and it is therefore *res judicata*.

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 15, 2014

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Residential Tenancy Branch

