



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

No hearing was held today as the landlord informed me that a previous hearing had been held for an application brought by the tenant to recover double the security deposit. At that hearing held on December 04, 2013 the tenant was successful and the tenant received a Monetary Order for double the security deposit. The landlord has applied to keep the security deposit at this hearing. I refer the landlord to *Section 77* of the *Act* which states that, except as otherwise provided in the *Act*, a decision or an order is final and binding on the parties. Therefore any findings made by the Arbitrator that presided over the prior hearing are not matters that I have any authority to alter and any decision that I render must honour the existing findings. Therefore the landlord is now barred by the common law principle, *res judicata*, from filing a claim for the security deposit.

Conclusion

The landlords' application to keep all or part of the security deposit is therefore dismissed without leave to reapply.

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: April 08, 2014

Residential Tenancy Branch

