



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 the tenant's Application for Dispute Resolution a monetary order.

The hearing was conducted via teleconference and was attended by the tenant and the landlord.

The parties acknowledge that a hearing based on the landlord's Application for Dispute Resolution (File # 819281) seeking to retain the security deposit was held on July 8, 2014. While that application named a different landlord than that named in this Application the matter of the disposition of the security deposit was dealt with during the hearing of July 8, 2014.

As the security deposit disposition has been adjudicated already regarding this tenancy the matter is *res judicata*. *Res judicata* is the doctrine that an issue has been definitively settled by a judicial decision. The three elements of this doctrine, according to Black's Law Dictionary, 7th Edition, are: an earlier decision has been made on the issue; a final judgement on the merits has been made; and the involvement of the same parties.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for return of the security deposit, pursuant to Section 38 of the *Residential Tenancy Act* (Act).

Conclusion

Based on the above, I dismiss the tenant's Application for Dispute Resolution in its entirety.

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: July 10, 2014

Residential Tenancy Branch

