



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Easy Rent Real Estate Services  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: MNSD, FF

### Introduction

This hearing was scheduled in response to the tenant's application for a monetary order reflecting the return of her security deposit / and recovery of the filing fee.

Both parties attended and gave affirmed testimony.

### Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

In response to the landlord's application, a previous hearing was held in a dispute between these parties with regard to the same tenancy on March 24, 2015. In that application the landlord sought a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. By decision dated March 25, 2015, the Arbitrator found that the landlord had established entitlement to retention of the full security deposit of \$1,350.00, and a monetary order was issued in favour of the landlord for the amount of the balance owed of \$117.50.

### Analysis

"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.

In other words, as the disposition of the tenant's security deposit has already been decided by an Arbitrator in a previous decision, pursuant to the rule of *res judicata*, I find that I have no jurisdiction to consider a new application concerning the same matter. In the result, the tenant's application for a monetary order reflecting return of the security deposit must be dismissed. As the tenant has not succeeded with the principal aspect of her application, the application to recover the filing fee must also be dismissed.

### Conclusion

The tenant's application is hereby dismissed 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: September 01, 2015

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Residential Tenancy Branch

