



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            MNSD, MNDC,

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act, (the "Act"), for a monetary order for money owed or compensation under the Act, and for the return of all or part of the security deposit.

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant testified the Application for Dispute Resolution and Notice of Hearing were served in person. The tenant could not provide the date of service.

As a result, I am not satisfied that the landlord has been served in accordance with the Act. Therefore, I dismiss the tenant's application with leave to reapply.

I note in the tenant's application they are claiming for return of the security deposit. However, the landlord was previously granted permission under the Act to retain the security deposit and the legal principal of Res judicata would bar that portion of the tenant's claim from being heard.

### Conclusion

The tenant's application is dismissed with 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: October 06, 2015

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Residential Tenancy Branch

