



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DUNOWEN PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, FFT

Introduction

On October 29, 2020, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting the return of the security deposit, and to recover the cost of the filing fee. The matter was set for a participatory hearing via conference call.

Preliminary Matters

The Tenant, their agent, and the Landlord attended the hearing and provided testimony regarding both this Application and a previous Application where another arbitrator made a decision about the Tenant’s security deposit.

The Landlord testified that the decision, dated January 27, 2021 (the “original decision”), authorized him to keep the Tenant’s security deposit and furthermore, receive a Monetary Order for outstanding damages.

The Tenant acknowledged that they attended the original hearing and received a copy of the original decision. The Tenant stated that they thought they would still be able to address the matter of the security deposit at today’s hearing.

I confirmed that a decision had been rendered in a prior Residential Tenancy Branch hearing; file number noted on the cover page of this Decision. I found that the original decision dealt with the same parties and issues, specifically the return of the security deposit; as requested in the Tenant’s Application.

As such, I find that the rights to the security deposit have already been determined and that today’s matter is *res judicata*. I deny reconsideration of this matter during this hearing.

Conclusion

I apply *res judicata* to preserve the effect of the original decision, dated January 27, 2021.

As such, I dismiss the Tenant's Application 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: February 08, 2021

Residential Tenancy Branch