Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNSD, FF

Introduction

This was an application for return of the tenant's security deposit. Only the applicant attended the hearing.

Issue(s) to be Decided

Is the applicant entitled to recover his security deposit?

Background and Evidence

The applicant testified that he had a previous hearing in which he was awarded double his security deposit however he could not enforce the Order in Small Claims Court as his name was misspelled on the Decision and Order. He testified that he was advised that he must commence a new application.

Analysis

In the previous hearing, the applicant was awarded double his security deposit on March 21, 2013. Accordingly I must dismiss this application as it is *Res Judicata* or an attempt to duplicate the same result as obtained in a previous application.   If the applicant wishes to correct the spelling of his name so that he can enforce the previous Order he must apply for a Correction pursuant to section 78 of the Act.

Conclusion

I have dismissed this application. Although I have not ordered recovery of the applicant's filing fee herein, I hope that any filing fee for a subsequent application to correct the previous Order and Decision will be waived.

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 16, 2013

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Residential Tenancy Branch