



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## DECISION AND REASONS

### Dispute Codes

MND, MNR, MNDC, & FF

### Introduction

This hearing dealt with the landlord's application for a monetary claim related to unpaid rent, damage to the rental unit and compensation for loss under the tenancy agreement, the *Act* or regulations. Both parties appeared for the hearing.

### Preliminary Issue

The first issue before me is to determine whether the landlord has filed this application within the two year limitation period established by section 60 of the *Act*. Section 60 of the *Act* states:

- 60** (1) *If this Act does not state a time by which an application for dispute resolution must be made, it must be made within 2 years of the date that the tenancy to which the matter relates ends or is assigned.*
- (2) *Despite the Limitation Act, if an application for dispute resolution is not made within the 2 year period, a claim arising under this Act or the tenancy agreement in relation to the tenancy ceases to exist for all purposes except as provided in subsection (3).*
- (3) *If an application for dispute resolution is made by a landlord or tenant within the applicable limitation period under this Act, the other party to the dispute may make an application for dispute resolution in respect of a different dispute between the same parties after the applicable limitation period but before the dispute resolution proceeding in respect of the first application is concluded.*

The landlord confirmed in the hearing that this tenancy began on May 1, 2006 and ended effective January 14, 2007 at 1:00 p.m. Therefore, this application had to be filed within 2 years of this date, or by January 14, 2009.

The landlord's application for dispute resolution is dated January 15, 2009, but was not received until January 16, 2009. The application was incorrectly filled out and had to be corrected and was re-submitted on January 21, 2009. The landlord received the hearing package, with the Notice of Hearing documents to be served upon the tenants, on January 21, 2009.

The landlord provided brief reasons in her submissions as to why the application was filed late. The landlord also stated in the hearing that, "she has been avoiding this [process]..." because of the stress. Although I empathize that the landlord has had many factors in her life which have contributed to her decision not to prepare for and file

her application within the prescribed timeframe, I am not satisfied that these reasons constitute exceptional circumstances. Only in the most exceptional of circumstances would I consider extending the statutory limitation period established by section 60.

### Conclusion

I find that the landlord has failed to file this application within the 2 year limitation period and as a result her claim ceases to exist for all purposes. Therefore I dismiss this application as having no jurisdiction.

Dated March 24, 2009.

---

Dispute Resolution Officer