



# Dispute Resolution Services

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

## Decision

Dispute Codes: MNDC MNSD

This hearing dealt with an application by the tenant for return of his security deposit and monetary compensation for “expenses, loss of wages and consequential damages resulting from assault and forceful eviction and home intrusion and taking possession of all belongings.”

The tenant made his application for dispute resolution on January 22, 2009. The tenant and landlords agreed that the tenancy began on or about July 1, 2006. The landlords could not recall the exact date of the end of tenancy, but they believed the tenant vacated on or about January 9 or 10, 2007. The tenant believed that the tenancy ended on a later date in January 2007. The tenant stated that he started the process of making his application immediately after the tenancy ended, but he did not complete it before January 22, 2009 because of work, health and other living circumstances. The tenant did not provide any documentary evidence to support this claim. The landlords submitted that even if the tenant’s application was made in time, it ought to be dismissed on the principle of laches.

Under section 60 of the *Residential Tenancy Act*, an application for dispute resolution must be made within two years of the date that the tenancy ends. In this case, I find that the tenant did not provide sufficient evidence to establish that his application was made in time.

I further find that even if the tenant had made his application less than two years before the end of the tenancy, the application ought to be dismissed on the principle of laches. The legal principle of laches is based on the concept that equity aids the vigilant and not those who slumber on their rights. In this case, I find that the tenant ought to have diligently asserted his right or claim by making an application for dispute resolution either during or shortly after the end of the tenancy. In failing to make an application at

or near to the time the problems arose, the tenant did not allow the landlord to respond effectively to the tenant's claims.

The tenant's application is dismissed.