



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: *MNSD, MNDC, FF.*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order for the return of double the security deposit and the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the tenant entitled to a monetary order for the return of double the security deposit and the filing fee? Did the tenant make this application within the legislated time?

Background and Evidence

The tenancy started on July 01, 2005 and ended on October 30, 2007. The tenant filed this application on October 22, 2010.

Analysis

Section 60 of the *Residential Tenancy Act* speaks to the latest time that an application for dispute resolution can be made. Section 60(1) states that an application for dispute resolution must be filed within two years of the date that the tenancy ended. If an application is not made within the two year period, a claim arising under this *Act* or the tenancy agreement in relation to the tenancy ceases to exist.

In this case, the tenant has filed his application outside of this two year time period and therefore his application is dismissed.

Conclusion

The tenant's application is dismissed.

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 23, 2011.

Residential Tenancy Branch