



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

MNR, MNDC, FF

### **Introduction**

This hearing was convened in response to an application by the landlord filed on October 20, 2011 pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. A Monetary Order for unpaid rent / loss of revenue - Section 67;
2. An Order to recover the filing fee for this application - Section 72.

Neither party attended the conference call hearing. This matter was set for a conference call hearing at 11:00 a.m. on this date. In the absence of an appearance into the conference call by either party this application must be dismissed.

### **Issue(s) to be decided**

Should the application be granted leave to re-apply?

### **Background and Evidence**

The application states clearly that this tenancy ended June 30, 2009, and the rental unit was re-rented August 2009.

### **Analysis**

In respect to this matter, Sections 44 and 60 of the Act state, in part, as follows:

#### **How a tenancy ends**

- 44** (1) A tenancy ends only if one or more of the following applies:
- (d) the tenant vacates or abandons the rental unit;

**Latest time application for dispute resolution can be made**

- 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.

Leave to reapply in this type of matter is subject to any applicable limitation period. This tenancy ended June 30, 2009. As a result of all the foregoing, this application was made well beyond the time limit permitted to make such an application, as established by the Act. Therefore, this matter is dismissed without leave to reapply.

**Conclusion**

This application is **dismissed** 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: January 10, 2012

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Residential Tenancy Branch