



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF, O

Introduction

This hearing dealt with the tenant's application for dispute resolution for a monetary order for money owed or compensation for damage or loss and for recovery of the filing fee.

The parties and their witnesses appeared, the hearing process was explained and the parties were given an opportunity to ask questions about the hearing process.

Thereafter all parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence **relevant** to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

Did the tenant file her application for dispute resolution within the required time limit under Section 60 of the Act?

Is the tenant entitled to a monetary order for money owed or compensation for damage or loss and to recover the filing fee?

Background and Evidence

The tenancy started on July 12, 2009 and the parties acknowledged that the tenancy on April 30, 2010.

The tenant filed her application for dispute resolution on May 1, 2012.

The tenant's monetary claim is in the amount of \$5895.00, as compensation for issues related to the tenancy.

Analysis

The Act states that if an application for dispute resolution is not made **within** 2 years of the date that the tenancy ends to which the matter relates, a claim arising under the Act ceases to exist.

In calculating the time, the *Interpretation Act*: s. 25(2) provides that time expressed as clear days, weeks, months or years, the first and last day must be excluded. In this case as the Act provides for a clear two years within which an application arising from the tenancy may be filed, the tenant's application was not filed within the allowed time period.

I also considered section 66 of the Act allowing an extension of a time limit; however the tenant provided no exceptional circumstances, stating only that it had been a "rough couple of years."

Conclusion

As I have found that the tenant did not file her application within the two years of the end of the tenancy as allowed under the Act, I dismiss her application, 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: June 11, 2012.

Residential Tenancy Branch