



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC

Introduction

This hearing concerns the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement. Both parties attended the hearing and were affirmed.

Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Based on the documentary evidence, it appears that on April 1, 2009 the parties entered into a rental agreement for a manufactured home site, in relation to which the tenant owned the manufactured home.

On May 7, 2009 the tenant and the landlord entered into a rent to purchase agreement for the subject manufactured home.

On June 22, 2010, the tenant sold the manufactured home to the landlord.

Further, by date of June 22, 2010, the parties signed a "Mutual Agreement to End a Tenancy" form, which had the result of ending the tenancy effective June 30, 2010.

The tenant filed her application for dispute resolution on July 18, 2012.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

During the hearing there was no disagreement between the parties that the tenancy ended effective June 30, 2010, pursuant to the “Mutual Agreement to End a Tenancy” form.

Section 53 of the Act addresses the **Latest time application for dispute resolution can be made**, as follows:

53(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.

Following from all of the above, I find that as the tenant’s application for dispute resolution was filed outside of the statutory 2 year period available following the end of tenancy, the application is hereby dismissed.

Conclusion

The tenant’s application is hereby 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: October 02, 2012.

Residential Tenancy Branch