



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WALL FINANCIAL CORPORATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR MNSD MNDC MND FF

### Introduction

This hearing dealt with an Application for Dispute Resolution filed on March 1, 2013, by the Landlord to obtain a Monetary Order for: unpaid rent or utilities; to keep the security deposit; for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement; for damage to the unit, site or property; and to recover the cost of the filing fee from the Tenant for this application.

The Landlord submitted evidence which indicates the Tenant was served with copies of the Landlord's application for dispute resolution and Notice of dispute resolution hearing documents on March 4, 2013, by registered mail.

### Issue(s) to be Decided

Has the Landlord filed their application within the required timeframes set out in the *Residential Tenancy Act*?

### Background and Evidence

At the outset of this proceeding the Landlord testified that this claim pertains to a tenancy that ended when the Tenant vacated the unit on January 24, 2005.

### Analysis

Section 60 of the Act stipulates the latest time an application for dispute resolution can be made as follows:

- (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

In this case the tenancy ended January 24, 2005; therefore, the Landlord was required to file their application no later than January 23, 2007. The application was not filed until March 1, 2013, more than six years after the expiration of the limitation period set out in section 60 of the Act. Accordingly, any claims pertaining to this tenancy cease to exist and this application is dismissed.

### Conclusion

I HEREBY dismiss this 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: May 28, 2013

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Residential Tenancy Branch

