



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction and Preliminary Matter

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenant applied for a monetary order for a return of his security deposit and pet damage deposit.

The dispute resolution hearing on the tenant's application began on June 18, 2014, and another Arbitrator adjourned the hearing and in an Interim Decision of July 17, 2014, directed the tenant to serve a former co-tenant, MB, with the tenant's application for dispute resolution, a new Notice of Hearing, a copy of the Interim Decision and copies of all relevant evidence.

At this hearing, the listed parties attended and the issue of the tenant's compliance with the Interim Decision was discussed. The tenant submitted that he had only received the Interim Decision a week prior to this hearing, and did not have time to read the Interim Decision until this date. Further, the tenant questioned by MB would need to be involved at all.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

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

If so, is the tenant entitled to a monetary order for a return of his security deposit and pet damage deposit?

Background and Evidence

As there was no written tenancy agreement, the tenant confirmed that this tenancy began in June 2011 and ended in August 2011.

The tenant filed his application for dispute resolution on March 3, 2014. The tenant submitted that he was informed by the "Board" (confirmed by the tenant to be the Residential Tenancy Branch) that he had 2 years from the date the landlord made a decision on his request for a return of his security deposit and pet damage deposit to make an application for dispute resolution.

The tenant's monetary claim is in the amount of \$1150.

Analysis

Section 60(1) and (2) of the Act states that an application for dispute resolution must be made within 2 years of the date that the tenancy ends to which the matter relates, and if the application is not made within that period of time, a claim arising under the Act ceases to exist.

In the case before me, the tenant stated that the tenancy ended in August 2011, presumably on the last day of the month. Therefore the tenant had until the last day of August 2013, to file his application for dispute resolution, in accordance with section 60 of the Act.

Therefore I find that the tenant did not file his application within the two year limitation period allowed under the Act when it was filed on March 3, 2014 and I dismiss his application, without leave to reapply.

Conclusion

The tenant's 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: August 13, 2014

Residential Tenancy Branch

