



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD

Decision the reasons

This is an application for a Monetary Order for \$2185.00; however the application was not filed within the time limit required under the Residential Tenancy Act.

The applicant testified that this tenancy ended on April 28, 2012.

Section 60 of the Residential Tenancy Act states:

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.

(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.

The applicant did not file his application for dispute resolution until June 4, 2014, well outside the two-year time limit.

It is my finding therefore that the applicant's claim ceases to exist and I will not proceed with the hearing on the request for a monetary order.

Conclusion

This application for a monetary claim is dismissed, as it has been filed outside the two-year time limit.

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: September 30, 2014

Residential Tenancy Branch

