



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the *Act*") for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67.

The tenant/applicant and a representative for the landlord ("the landlord") attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, and to make submissions.

The tenant testified that he personally served the landlord with a copy of his dispute resolution hearing package by handing it directly to a representative of the landlord on or about August 30, 2014. The landlord confirmed receipt of the package and Notice for Hearing. Based on the evidence and pursuant to section 89 of the *Act*, I find that the landlord has been duly served the tenant's dispute resolution hearing package

### Preliminary Issue - Facts and Analysis re: Time Limitation

The tenant testified that his tenancy ended in approximately 1999. The landlord confirmed, referring to records that the tenant resided within the building until approximately May 31, 2002. The tenant claims that, as a result of failure of the property manager to act by putting carpet in the rental unit, his mother fell several times. He further claims that these falls ultimately led to her death in 1999.

The tenant testified that he was his mother's caregiver for many years and that her death was extremely difficult for him, causing him great grief, depression and anxiety. He brought this application for a monetary order in the amount of \$25, 000.00 on the basis that his suffering was partly as a result of the landlord's alleged failure to carpet the residence.

Section 60(1) of the *Act* provides for the latest time to apply for dispute resolution.

**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.

Under the widest interpretation of the *Residential Tenancy Act* and the latest date provided for the end of this tenancy, the tenant would have had to make this application over 10 years ago. The tenant's application is dismissed because the tenant did not file within the applicable limitation period under this *Act*.

### Conclusion

I dismiss the tenant's application for a monetary order pursuant to section 67 of the *Act*.

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: March 03, 2015

---

Residential Tenancy Branch

