



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF, O

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement and to recover the filing fee from the landlord for the cost of the application.

The landlord and the tenant attended the hearing. Each gave affirmed testimony and provided evidentiary material prior to the commencement of the hearing. The landlord also called one witness who gave affirmed testimony. The parties were given the opportunity to discuss settlement of this dispute, and to question each other and the witness on the evidence and testimony provided.

Background and Evidence

During the course of the hearing, the tenant testified that the tenancy ended in mid-August, 2012. The landlord's witness is the spouse of the landlord named in the tenant's application, who testified that the last day of the tenancy was August 15, 2012, and the tenant did not dispute that. The tenant prepared the Tenant's Application for Dispute Resolution on August 19, 2014 which was corrected and ultimately filed on August 22, 2014.

Analysis

The *Residential Tenancy Act* states that:

Latest time application for dispute resolution can be made

- 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.

In other words, the time limit to file the application expired before the application was made and therefore the claim relating to the tenancy ceases to exist for all purposes, and the tenant's application must be dismissed.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety 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: March 13, 2015

Residential Tenancy Branch

