



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Central Park Citizen Society & Crosby Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNDC

Introduction

This is an application brought by the tenant requesting a monetary order in the amount of \$25,000.00.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Decision in reasons

At the beginning of the conference call, while gathering basic information, it was revealed by both the tenant and the landlords that this tenancy ended in either April 2012 for May 2012. The tenant however did not apply for dispute resolution until March 17, 2015.

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.

In this case, since this tenancy ended, at the latest, on May 31st 2012, the tenant would have had to apply for dispute resolution by May 31, 2014, and therefore since, as stated above, the application was not filed until March 17, 2015, the application was well outside the time limit.

Therefore any claim arising under the Act or the tenancy agreement in relation to this tenancy ceases to exist.

Conclusion

This application is dismissed in full 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 25, 2015

Residential Tenancy Branch

