



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

MNSD, FF

### Introduction and Preliminary Matters

This hearing was convened as a result of the tenant's application for dispute resolution under the Residential Tenancy Act ("Act"). The tenant applied for a monetary order for a return of her security deposit and pet damage deposit, doubled, and for recovery of the filing fee paid for this application.

The tenant and two of the landlords attended and the tenant was informed that due to information and evidence contained in her application, the issue of whether she had filed her application in a timely manner would be explored before any consideration of the merits of her application.

It is noted that after providing her testimony, when being informed that it appeared her application had not been timely filed, the tenant made a derogatory comment about the landlords and abruptly exited the telephone conference call hearing, not returning.

### Issue(s) to be Decided

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

If so, is the tenant entitled to a return of her security deposit and pet damage deposit, doubled, and to recovery of the filing fee paid for this application?

### Background and Evidence

The tenant submitted that the tenancy began on December 1, 2012 and ended at the end of February 2013, having fully vacated by March 1, 2013. The tenant's application here was filed on April 9, 2015.

According to the tenant, she filed an earlier application within the required 2 year limitation period by 2 days, or February 27, 2015.

The Residential Tenancy Branch ("RTB") records reflect that the tenant failed to provide complete information on her application, including her telephone number, and therefore the RTB had no way of contacting the tenant. By March 19, 2015, when the tenant failed to contact the RTB and pick up her application and hearing package to serve on the landlords, the file was considered abandoned and closed. The RTB records additionally reflect that it was not until April 8, 2015, that the tenant called the RTB to check on the status of her original application and was advised that the file had been considered abandoned. The RTB records additionally reflect that the tenant stated she would file her application again, but was advised that she may be outside the 2 year limitation period.

In the hearing, the tenant argued that the present application should be considered as a continuation to her original application, which has a different file number, and therefore she had made a timely application.

### Analysis

Pursuant to section 60(1) of the Act an application for dispute resolution must be made within 2 years of the date that the tenancy to which the matter relates ends or is assigned.

In the case before me, the undisputed evidence is that the tenancy ended at least by March 1, 2013, and the tenant's application here was made on April 9, 2015. I have not considered any other application of the tenant, as the tenant failed to pursue that application and it was abandoned.

Due to the above, I find that the tenant did not file her application within the two year limitation period allowed under the Act when it was filed on April 9, 2015, for a tenancy ending on March 1, 2013.

Conclusion

As I have found that the tenant did not file her application within the two years of the end of the tenancy as allowed under the Act, I dismiss her application, 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: September 17, 2015

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Residential Tenancy Branch

