



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was convened as a result of the tenants' application for dispute resolution under the Residential Tenancy Act ("Act"). The tenants applied for a monetary order for a return of their security deposit.

The listed tenant attended the telephone conference call hearing; the landlord did not attend.

The tenant testified that he served the landlord with the application for dispute resolution and notice of hearing by registered mail on May 3, 2015.

Based upon the submissions of the tenant, I accept the landlord was served notice of this hearing and the tenant's application in a manner complying with section 89(1) of the Act and the hearing proceeded in the landlord's absence.

The tenant was provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

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

If so, are the tenants entitled to a return of their security deposit?

Background and Evidence

The tenant submitted that the tenancy was set to begin on April 1, 2013, that they actually moved into the rental unit on March 23, 2013, and that they vacated the rental unit and the tenancy ended on April 30, 2013. The tenants' application here was filed on May 1, 2015.

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 of the tenant/applicant is that the tenancy ended on April 30, 2013, and the tenant therefore had until April 30, 2015, to file their application against the landlord. Instead, the tenants' application here was made on May 1, 2015.

Due to the above, I find that the tenants did not file their application within the two year limitation period allowed under the Act when it was filed on May 1, 2015, for a tenancy ending on April 30, 2013.

Conclusion

As I have found that the tenants did not file their application within the two years of the end of the tenancy as allowed under the Act, I dismiss their 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: October 9, 2015

Residential Tenancy Branch

