



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, O

### Introduction

This is an application brought by the tenants requesting a Monetary Order in the amount of \$1750.00.

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 evidence orally.

All parties were affirmed.

### Issue(s) to be Decided

The first issue I dealt with is whether or not the application had been filed within the time limit set out under the Residential Tenancy Act.

### Background and Evidence

Both the landlord and the tenants agreed that this tenancy began on August 15, 2006.

Both the landlord and the tenants agreed that the tenants vacated the rental unit on July 14, 2013.

The application for Dispute Resolution was filed on July 29, 2015.

### Analysis

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.

Therefore I must determine what date this tenancy ended.

Section 44(1)(d) of the Residential Tenancy Act states:

**44** (1) A tenancy **ends** only if one or more of the following applies:

(d) the tenant vacates or abandons the rental unit;

In this case the tenants admit that they vacated the rental unit on July 14, 2013 and therefore the tenancy ended on that date pursuant to section 44(1)(d)

Section 60(2) of the Residential Tenancy Act also states:

(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.

Therefore, since the tenants did not apply for dispute resolution until July 29, 2015, they are outside the two year time limit and it is my finding that their claim ceases to exist for all purposes.

### Conclusion

This application has been 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: January 26, 2016

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Residential Tenancy Branch

