



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD FF

Introduction

This hearing was convened as a result of the tenant's application for dispute resolution seeking remedy under the *Residential Tenancy Act* (the "Act"). The tenant applied for a monetary order in the amount of \$3,455.00 for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, for the return of his security deposit and/or pet damage deposit, and to recover the cost of the filing fee.

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), the Application for Dispute Resolution (the "Application") and documentary evidence were considered. The tenant testified that he served the landlord personally on February 7, 2016 at 3:45 p.m. at the landlord's address.

Preliminary and Procedural Matter

The tenant submitted in evidence a previous file number of a matter that was heard and decided upon in 2013. The file number has been included on the cover page of this Decision for ease of reference. In that Decision dated September 12, 2013, the landlord's application was successful and it was determined that the tenant was forcibly evicted from the rental unit on August 21, 2013 by bailiffs enforcing a Writ of Possession, which the tenant confirmed at this hearing.

The tenant's application before me was filed on February 2, 2016 which is beyond the two year time limit to file an application for dispute resolution under section 60 of the *Act*. Based on the above, I dismiss the tenant's application as it was filed over half of a year beyond the statutory time limit to file an application for dispute resolution. The tenant would have had to submit his application by August 21, 2015, which he failed to do.

Conclusion

The tenant's application is dismissed without leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 20, 2016

Residential Tenancy Branch