



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GUR KARTAR HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing dealt with a tenant's application for a Monetary Order for return of double the security deposit. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and Procedural Matters

The tenant filed this application on July 13, 2016 but did not serve the landlord's agent with a hearing package until October 2, 2016. Although the tenant did not serve the landlord within three days of filing, as required under section 59 of the Act, the landlord was agreeable to proceeding with this matter. Accordingly, I continued to hear this matter.

During the hearing, the tenant testified that the tenancy ended in May 2014. The landlord submitted that he believed the tenancy ended in May 2013 and pointed to the security deposit refund cheque that the tenant provided as evidence dated June 10, 2013.

Section 60 of the Act provides the statutory time limit for making an Application for Dispute Resolution. Below, I have reproduced section 60:

Latest time application for dispute resolution can be made

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.

Whether the tenancy ended in May 2013 as submitted by the landlord, or May 2014 as submitted by the tenant, I find the tenant made this Application outside of the time limit for doing so and the claims against the landlord cease to exist as stipulated under section 60(2). Therefore, I declined to further consider the tenants claim against the landlord.

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 10, 2017

Residential Tenancy Branch