



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing was convened by way of a conference call in response to the Tenant's Application for Dispute Resolution (the "Application") which was filed by the Tenant on November 10, 2016. The Tenant applied for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement.

The Tenant appeared for the hearing and provided affirmed testimony. The Tenant confirmed that he had not provided any documentary evidence prior to this hearing. However, there was no appearance for the Landlord during the 13 minute hearing and no submission of written evidence prior to the hearing. As a result, I turned my mind to the service of the documents by the Tenant for this hearing.

The Tenant testified that he served the company Landlord with the Application and the Hearing Package on November 14, 2016 by handing them personally to the person at reception at the Landlord's company address. Based on the undisputed evidence of the Tenant, I find he served the Landlord with the required documents for this hearing pursuant to Section 89(1) (b) of the Act.

The Tenant continued to explain that this tenancy with a previous landlord had started on September 8, 2008 on a month to month basis. Rent was payable in the amount of \$425.00 on the first day of each month. The Landlord took over the tenancy in 2013. The Tenant testified that his tenancy ended when he provided written notice to the Landlord at the end of June 2014 that he was ending the tenancy for July 31, 2014 due to harassment and intimidation by the Landlord. The Tenant then confirmed that he had vacated the rental unit on August 1, 2014.

The Tenant was asked why he had applied in November 2016 to request monetary compensation. The Tenant advised that he was not aware that he could file such an Application requesting monetary relief.

Conclusion

Section 60(1) of the Act states that a party must make an Application within 2 years of the date that the tenancy to which the matter relates ends.

Pursuant to the Tenant's testimony which was confirmed several times with him in the hearing, the tenancy ended on August 1, 2014. As the Tenant filed this Application on November 10, 2016, the Tenant has filed it outside of the time limit permitted by the Act to have the claimed determined. Therefore, I dismiss the Tenant's Application without leave to re-apply.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: May 10, 2017

Residential Tenancy Branch