



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OLC, FF

Introduction and Preliminary Matter

This hearing convened as a result of a Tenants' Application for Dispute Resolution wherein the Tenants sought the following Orders:

- an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the tenancy agreement;
- an Order for return of the security deposit; and,
- recovery of the filing fee.

The hearing was conducted by teleconference on February 1, 2018. Both parties called into the hearing and were given a full opportunity to be heard, to present their affirmed testimony, to present their evidence orally and in written and documentary form, and make submissions to me.

At the outset of the hearing the Tenant testified that the tenancy began September 2014 and ended April 30, 2015. The Tenants applied for dispute resolution on July 27, 2017.

Section 60 of the *Act* provides that an application for dispute resolution must be made within 2 years of the end of the tenancy, which in this case is April 30, 2017. For greater clarity I reproduce section 60 of the *Act* as follows:

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.

Limitation periods, or deadlines by which an application must be made, are used to provide for efficient resolution of disputes as well as finality and closure to possible disputes. If a person believes they are entitled to monetary compensation from another person, they must make an application within strict timelines set out in the relevant Act, or the *Limitation Act* as the case may be. This encourages timely resolution of disputes and preserves the integrity of evidence such as documents and physical objects as well as people's recollection of events. As well, this allows people to move on from disputes, not having to worry that a claim may be made against them for incidents which occurred a significant time before.

Conclusion

As the Tenants applied for dispute resolution more than two years after the tenancy ended and outside the strict two year deadline imposed by section 60, their claim ceases to exist for all purposes. **Accordingly, I dismiss the Tenants' Claims 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: February 01, 2018

Residential Tenancy Branch