



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MND, FF

### Introduction and Conclusion

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed September 26, 2017, wherein the Landlord sought monetary compensation from the Tenant for cleaning of the rental unit as well as to recover the filing fee.

The hearing was scheduled for a teleconference on April 26, 2018. Only the Landlord's representative, M.T., called into the hearing.

Based on M.T.'s testimony I find that the Tenants were served notice of the hearing by registered mail sent on September 28, 2017. The tracking number for the packages is included on the unpublished cover page of this my Decision.

M.T. confirmed that the tenancy ended by Decision and Order of Possession granted on April 17, 2015. The file number for that application is recorded on the cover page of this my Decision. The Order of Possession was effective April 30, 2015 and the Tenants moved from the rental unit on May 5, 2015.

The Landlord also applied for dispute resolution on December 22, 2016. A hearing of the Landlord's application as set for June 20, 2017 (again, the file number is recorded on the cover page). At that time the Landlord withdrew their application. In the Decision the Arbitrator concluded as follows:

"The applicants have withdrawn this application and are at liberty to reapply, subject to the time limitations laid out in the Residential Tenancy Act."

The time limitation is set out in section 60 of the *Act* and reads 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.

As the tenancy ended by Order of Possession effective April 30, 2015, the Landlord had until April 30, 2017 in which to make an Application for Dispute Resolution.

The Application before me was made on September 26, 2017 and is therefore outside the limitation period and the Landlord's claims cease to exist by operation of section 60. The Landlord's claim is therefore dismissed 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: April 26, 2018

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Residential Tenancy Branch