



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, RPP

Introduction

This hearing convened as a result of a Tenant's Application for Dispute, filed on October 9, 2018, wherein the Tenant sought return of her personal property as well as monetary compensation from the Landlord in the amount of \$11,000.00.

The hearing was scheduled for 1:30 p.m. on January 24, 2019. Both parties called into the hearing.

Preliminary Matter—Timing of Application

The parties agreed that the tenancy ended in June of 2014.

The Tenant applied for dispute resolution on October 10, 2018, more than four years after the end of the tenancy.

Section 60 of the *Residential Tenancy Act* provides 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.

The parties agreed that in the spring of 2018, the Tenant had also applied for relief in the B.C. Provincial Court (Small Claims Division). The Tenant stated that during a settlement conference the presiding Provincial Court Judge informed the parties that the matter was a residential tenancy matter.

Notably, neither party provided me with any further information (such as the Notice of Claim, or any orders made) with respect to the Provincial Court Matter. As such, I am unaware if the matter has concluded, or if the parties may seek further clarification or relief from the Provincial Court.

In any event, the Tenant applied for Dispute Resolution at the Residential Tenancy Branch outside the strict two year time limit such that the Tenant's claim ceases to exist for all purposes.

Conclusion

Pursuant to section 60 of the *Residential Tenancy Act*, the Tenant's claim is dismissed as she filed more than two years after the end of the tenancy.

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 24, 2019

Residential Tenancy Branch