



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL, MNRL, MNDCL, FFL

Introduction

This hearing was convened as a result of the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlord applied for a monetary order for money owed or compensation for damage or loss, for alleged damage to the rental unit, for unpaid rent, and for recovery of the filing fee paid for this application.

The landlord, the tenants, and the legal advocate for tenant EO attended, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

The evidence was discussed at length. The landlord confirmed that she had not served her evidence to the tenants in a manner complying with the Residential Tenancy Branch Rules of Procedure (the "Rules") and the tenants confirmed not serving their evidence in a manner complying with the Rules. The parties were informed that although I had reviewed all documentary evidence prior to the hearing, all evidence was excluded from consideration for this hearing. The parties were informed that they could still provide their oral evidence at the hearing.

I find it important to note that the issues with evidence were not relevant to my decision.

Additionally, the named respondent, VO, was not listed as a tenant on the written tenancy agreement provided by the landlord. As a result, I have amended the landlord's application and removed him from any further consideration in this matter.

Issue(s) to be Decided

Has the landlord's application been filed within the required time limit under the Act?

If so, is the landlord entitled to monetary compensation and to recovery of the filing fee paid for this application?

Background and Evidence

The written tenancy agreement shows that this tenancy began on January 1, 2017.

The landlord said that the tenants sent her an email on April 24, 2017, that they were vacating the rental unit and that they vacated on April 28, 2017.

The landlord confirmed that she filed this application for dispute resolution claiming compensation against the tenants on April 29, 2019.

Analysis

Section 44 of the Act provides for how a tenancy ends, more particularly for consideration in this case, the tenancy ends when a tenant vacates the rental unit.

In the case before me, I find the undisputed evidence provided by the landlord is that this tenancy ended on April 28, 2017, when the tenants vacated the rental unit.

Under section 60 of the Act, an application for dispute resolution *must* be made *within 2* years of the date that the tenancy to which the matter relates ends. What this means, is that the latest either party here could file an application for dispute resolution relating to this tenancy was *April 27, 2019*. (emphasis added)

As a result, I find the landlord's application filed on April 29, 2019, was outside the statutory time limit and is barred from being heard.

I therefore dismiss the landlord's application, without leave to reapply.

Conclusion

The landlord's application is dismissed, without leave to reapply, as it was filed outside the statutory time limit.

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: June 18, 2019

Residential Tenancy Branch