



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCT

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67.

Both parties attended the hearing via conference call and provided testimony.

At the outset, the landlord's counsel brought forward a preliminary issue in which the tenant's application was filed outside of the 2 year limitation period.

The tenant confirmed that her tenancy with the landlord ended on May 31, 2017 and that the application for dispute was filed on October 24, 2019. The tenant stated that it was approximately a 4 month delay as she had filed a claim in the Small Claims Division of the Provincial Court.

Prior to the conclusion of the conference call hearing, the tenant's connection was severed. The tenant did not reconnect.

Section 60 of the Residential Tenancy Act states,

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.

I find based upon the undisputed evidence of both parties that the tenant's tenancy ended on May 31, 2017 and the tenant filed for dispute on October 24, 2019, approximately 146 days past the allowed 2 year period.

As such a finding cannot be made as the tenant has applied outside of the limitation period as provided under section 60 of the Act.

The tenant's application is dismissed.

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: March 17, 2020

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Residential Tenancy Branch