



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNRL, MNDL-S, FFL

Introduction

In this dispute, the landlord sought compensation under section 67 of the *Residential Tenancy Act* (the “Act”) and recovery of the filing fee under section 72 of the Act.

The landlord applied for dispute resolution on February 14, 2020 and a dispute resolution hearing was held, by way of teleconference, on June 23, 2020. One of the tenants (N.S.) attended the hearing, but the landlord did not.

Preliminary Issues: Non-Attendance of Applicant and Limitation Period

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim. As the applicant failed to attend the hearing and plead her case, she has therefore not proven her case and I must dismiss her application.

I note that, as the tenancy ended on August 1, 2017 (based on the tenant's testimony, whereas the landlord's application indicated a tenancy end date of August 31, 2017) the time for making any further applications for dispute resolution has long since passed.

Regarding this time limitation, section 60(1) and (2) of the Act state as follows:

- (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).

Conclusion

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

This decision is final and binding and is made on authority delegated to me under section 9.1(1) of the Act.

Dated: June 23, 2020

Residential Tenancy Branch