



# 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 tenants' application pursuant to section 67 of the *Residential Tenancy Act* (the "Act") for a monetary award for damages and loss.

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

As both parties were present service was confirmed. The landlord confirmed receipt of the tenant's application and evidence and stated they had not provided any materials of their own. Based on the testimonies I find that the landlord was served with the tenants' materials in accordance with sections 88 and 89 of the Act.

### Issue(s) to be Decided

Are the tenants entitled to a monetary award as claimed?

### Background and Evidence

This periodic tenancy ended on June 30, 2016. The tenants filed their application on May 22, 2020 seeking a monetary award.

### Analysis

Section 60 of the Act provides that, despite the *Limitation Act*, an application for dispute resolution must be made within 2 years of the date that the tenancy to which the matter relates ends.

In the present case the parties both testified that this tenancy ended on June 30, 2016. Therefore, the tenants had 2 years from that date to file an application related to this tenancy. The tenants filed their application on May 22, 2020 outside of the 2-year limit provided under the Act. Accordingly, I find that this application was not filed within the required timelines and is statute barred from proceeding.

I note that filing an application so far outside of the end of the tenancy and the limitation period to cause uncertainty to the respondent, displays a disregard of diligence on the part of the applicants and is a frivolous use of the limited resources of the Branch and is conduct worthy of rebuke.

### Conclusion

The tenants' application is dismissed in its entirety 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: June 25, 2020

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Residential Tenancy Branch