



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT, MNDCT, RPP

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution (the "Application") under the *Residential Tenancy Act* (the "Act"), made on March 16, 2021. The Tenant applied for an order that the Landlord return the Tenant's personal property, a monetary order relating to compensation, and for the return of the filing fee.

The Tenant and the Landlord C.H. attended the hearing at the appointed date and time.

Preliminary Matters

According to 60 of the *Act*; if the *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.

During the hearing, both the Tenant and the Landlord stated that the tenancy ended on January 27, 2019. The Tenant made their Application on March 16, 2021 which is beyond the two-year period contrary to Section 60 of the *Act*.

The Tenant stated that they had made a previous Application which was dismissed with leave to reapply. As such, the Tenant stated that they reapplied on March 16, 2021. I find that the dismissal of the Tenant's first application does not extend the stator timelines set out in Section 60 of the *Act*.

In light of the above, I decline jurisdiction to consider the Tenant's Application as the Tenant's Application was made beyond the 2 year limitation period, and therefore dismiss the Tenant's Application without leave to reapply.

Conclusion

The Tenant's Application is dismissed without leave to reapply as the Tenant submitted their Application outside of the 2 year limitation period contrary to Section 60 of the *Act*.

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 29, 2021

Residential Tenancy Branch