



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNSD, MNDCT**

Introduction

This hearing dealt with an Application for Dispute Resolution filed on June 18, 2021 by the tenant for the return of their security deposit, and for monetary compensation for loss or other money owed.

Both parties appeared, gave affirmed testimony. Both parties confirmed under affirmation they were not recording this hearing in compliance with the Residential Tenancy Branch Rules or Procedure 6.11.

Section 60 of the Act reads as follows,

- 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).

In this case the tenancy ended on June 18, 2019, that is the start date to calculate the time to which the application for dispute resolution must be made under the Act and it must be made within 2 years.

The tenant submitted their application for dispute resolution on June 18, 2021. I find the tenant's application for dispute resolution was not made **within 2 years** of the tenancy ending, as their last possible date to make this application was June 17, 2021. I find any claim arising under the Act or tenancy agreement ceases to exist. Therefore. I

decline to hear this matter. The tenant's application is dismissed 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: January 17, 2022

Residential Tenancy Branch