



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNETC, FFT

This hearing dealt with the tenant's application pursuant to the *Act* for:

- a monetary order for money owed or compensation for damage or loss under the *Act, Regulation* or tenancy agreement, pursuant to section 67; and
- authorization to recover the filing fee for its application from the landlord, pursuant to section 72.

This matter was set for a conference call hearing at 1:30 p.m. on this date. Both parties participated in the hearing. At the outset of the hearing SW testified that he was not served notice of this hearing from the tenant, but only through a courtesy reminder email from the Branch a few days ago that a hearing was scheduled for this date. The tenant confirmed that she did not serve the landlord directly with the Notice of Hearing Package and Application for this hearing. The reminder email from the Branch is simply a courtesy to the parties and not a substitute for the requirements that an applicant must complete as part of serving their application.

The tenant was unable to satisfy me that the landlord had been served the Notice of Hearing Documents in accordance with Section 89 of the *Act*, and as a result I dismiss the tenant's application with leave to reapply. The tenant advised that the tenancy ended over two years ago, the landlord confirmed same. It was explained to both parties that a party may only file up two years after a tenancy is over at the Residential Tenancy Branch in accordance with section 60 of the *Act*. Leave to reapply is not an extension of any applicable limitation period.

Conclusion

As this matter is now beyond the two-year limitation period, the 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: February 28, 2023

Residential Tenancy Branch