



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Introduction

This hearing dealt with two applications pursuant to the *Residential Tenancy Act* (Act). The Tenants' application for:

- A Monetary Order of \$17,452.47 for compensation for monetary loss or other money owed,
- Return of security deposit that the Landlords are retaining without cause.
- Reimbursement of the filing fee.

And the Landlords' application for:

- A Monetary Order of \$1,728.00 for compensation for monetary loss or money owed, with a request to retain the Tenants' security deposit,
- Reimbursement of the filing fee.

Service of Notice of Dispute Resolution Proceeding (Proceeding Package) and Evidence

As both parties confirmed service of the Proceeding Package and documentary evidence, I find both parties were served with the required materials in accordance with the Act.

Preliminary Matters

Both parties agreed to and confirmed the following tenancy details:

- The Tenancy started on August 15, 2009 and ended on July 31, 2021.
- The monthly rent was \$1,331.00.
- The Tenants paid a security deposit of \$600.00, which the Landlords continue to hold in trust.
- On August 31, 2021, the Tenants provided their forwarding address in writing to the Landlords.

On August 3, 2023, the Tenants filed their application with the Residential Tenancy Branch (RTB).

On August 31, 2023, the Landlords filed their application with the RTB.

Section 59(2) of the Act states an application for dispute resolution must be in the applicable approved form and include the full particulars of the dispute that is to be the subject of the dispute resolution proceedings. In this case, the Tenants' application was completed on August 3, 2023 and the Landlords' application was completed on August 31, 2023.

The Tenants provided personal and medical reasons to explain their application date of August 3, 2023. The Landlords testified that their application was filed on August 31, 2023, only in response to the Tenants' application.

Section 60(1) states if this 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 the tenancy to which the matter relates ends. As such, I am barred at law from hearing the disputes before me.

As the tenancy ended July 31, 2021 and the Tenants' application was not completed with the RTB until August 3, 2023, I find the Tenants did not apply within the 2 years of the date that the tenancy ended as per section 60(1) of the Act.

Further, as the tenancy ended July 31, 2021 and the Landlords' application was not completed with the RTB until August 31, 2023, I find the Landlords did not apply within the 2 years of the date that the tenancy ended as per section 60(1) of the Act.

I dismiss both applications before me without leave to reapply as the applications are outside the 2-year timeline as described above.

Conclusion

Both applications are dismissed in their 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: January 25, 2024

Residential Tenancy Branch