



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      MNDC, FF

### Introduction

This hearing was brought by the tenant for a Monetary Order for Money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement and to recover the filing fee for the proceedings.

A significant amount of documentary evidence, visual evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

The tenancy ended on February 28, 2007. The tenant filed her application on February 28, 2009.

The *Residential Tenancy Act*: s. 60(1)(2) states that:

### **Latest time application for dispute resolution can be made**

**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).

To clarify this I refer the applicant to the *Interpretation Act*: s. 25(2)



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## Calculation of time or age

(4) In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months or years, the first and last days must be excluded.

With reference to the above this means that the last day the tenants' application must be filed is February 27, 2009.

The *Residential Tenancy Act*; s. 66(1) allows a Dispute Resolution Officer to extend a time limit only in exceptional circumstances. I asked the applicant if she could determine any exceptional circumstances which would allow me to extend the time limit for her to file her application. However, the tenant was unable to provide any information or reasons which would allow me to determine an 'exceptional circumstance'

## Conclusion

The tenant had until February 27, 2009 to file her application for Dispute Resolution. Pursuant to s. 60(1) I find that the application was filed one day late. Therefore, the tenants' 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: May 29, 2009.

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Dispute Resolution Officer