



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for a monetary order and for recovery of the filing fee.

The Landlord provided affirmed testimony that she served the Tenants with the Application for Dispute Resolution and Notice of Hearing on October 14, 2011 by registered mail. I find that the Tenants were served the Application and Notice of Hearing in accordance with section 88 of the Residential Tenancy Act (the "Act").

The Tenants did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Was the Landlord's Application filed within the time period allowed by the Residential Tenancy Act (the "Act")?

### Background and Evidence

The Landlord testified that the tenancy ended on June 13, 2009. The Landlord applied for dispute resolution on October 07, 2011, and received a Notice of Hearing on October 12, 2011, which she served on the Tenants by registered mail on October 13, 2011.

The Landlord provided written documents as evidence that the tenancy ended on June 13, 2009.

For the benefit of the Landlord I explained section 60 of the Act at the hearing. Section 60 of the Act states:

**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).

(3) If an application for dispute resolution is made by a landlord or tenant within the applicable limitation period under this Act, the other party to the dispute may make an application for dispute resolution in respect of a different dispute between the same parties after the applicable limitation period but before the dispute resolution proceeding in respect of the first application is concluded.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The tenancy ended on June 13, 2009 and the Landlord's Application for dispute resolution was filed on October 07, 2011. I find that the Landlord failed to file their Application for dispute resolution within two years of when tenancy ended.

As a result I dismiss the Landlord's Application.

Conclusion

I dismiss the Landlord's Application.

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: November 30, 2011.

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Residential Tenancy Branch