



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$250.00.

Background and Evidence

The applicant testified that:

- This tenancy began on February 1, 2010 and ended on September 1, 2010.
- On November 18, 2012 he filed for dispute resolution for an order for return of his security deposit.

Analysis

Section 60 of the Residential Tenancy Act states:

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).

Therefore in this case the applicant was required to file a claim by August 31, 2012 or his claim would cease to exist.

This claim however was not filed until November 13, 2012, well outside the time.

Conclusion

The applicant did not file his claim within the required two-year time limit, and therefore his claim ceases to exist.

This application is therefore 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 07, 2013

Residential Tenancy Branch

