



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding QB HOLDINGS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes MND MNR MNDC FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for unpaid rent and damages pursuant to section 67;
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

Issues

Is the Landlord's application made within the time limits permitted under the Act?
If yes, is the landlord entitled to a monetary award for unpaid rent and damages?
Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord confirmed that the tenancy to which this dispute relates ended in June 2010.

The landlord's application for dispute resolution was filed May 31, 2016.

The landlord testified that she was not able to file an application until this time as the tenant did not provide any forwarding address and the landlord was unable to find the tenant for years despite attempts to track down the tenant. In March of 2016 the landlord came across the tenant at a local bank and was able to get a mailing address from her.

Analysis

Pursuant to section 60 of the Act, an application for dispute resolution must be made within 2 years of the date that the tenancy to which the matter relates ends. If an application for dispute resolution is not made within the 2 year period, a claim arising under the Act or the tenancy agreement in relation to the tenancy ceases to exist for all purposes.

The tenancy to which this dispute relates ended in June 2010. The application for dispute resolution was not filed until May 31, 2016 which is well outside of the 2 year limitation period. Accordingly, the landlord's application is dismissed without leave to reapply.

As the landlord was unsuccessful in this application, I find that the landlord is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

The landlord's 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: July 04, 2016

Residential Tenancy Branch