



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding AFFORDABLE HOUSING SOCIETIES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDCT MNSD FFT

### Introduction

This dispute relates to a tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) seeking the following:

1. \$15,372 for compensation under the Act,
2. Return of a security deposit,
3. Filing fee.

The agent attended the hearing at the correct start time and affirmed that they had not been served with the application. The agent confirmed that they were only aware of the hearing based on contact from the Residential Tenancy Branch (RTB) to remind them of a hearing. The tenant called in late to the hearing at 1:38 p.m. and was affirmed. The tenant agreed that they did not serve the landlord. The tenant stated that they assumed the RTB would serve the landlord. The tenant was advised that their assumption was not correct and that the service details were including in the Hearing Package they were provided with by the RTB.

In addition, the agent confirmed that the tenancy ended almost 5 years prior and that the landlord did not file an application for dispute resolution. The tenant writes that the tenancy ended on January 8, 2018. The agent stated that the tenancy ended January 31, 2018.

### Preliminary and Procedural Matters

Before I can determine whether or not to grant leave to reapply due to a service issue, I must deal with is whether this application was filed within the applicable timelines under the Act. The tenant's application was filed on July 29, 2022. The tenancy ended no later than January 31, 2018. Section 60(1) of the Act, applies and 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.**  
[emphasis added]

Analysis

As the tenancy ended no later than January 31, 2018, I find the latest the tenant could have filed their application was January 31, 2020. The tenant filed their application on July 29, 2022, which I find is 2.5 years too late under section 60(1) of the Act.

Given the above, I find the tenant has no remedy under the Act as they applied 2.5 years beyond the last possible date to apply under the Act. I therefore do not grant the tenant leave to reapply. The filing fee is not granted.

Conclusion

The tenant's application was filed outside of the 2-year timeline as described above and is dismissed without leave to reapply as a result. In addition, the tenant failed to prove service under the Act.

The filing fee is not granted. This decision will be emailed to both parties.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: April 24, 2023

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Residential Tenancy Branch