



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This matter dealt with an ex-parte application from the landlord for substituted service of the Notice of Hearing documents on the tenant by email.

The landlord stated that the tenancy started in May 2011, and that tenant moved out of the rental unit on or about September 10th, 2011. During that time, the landlord has communicated by email whenever the tenant was late paying rent. The landlord stated that he emailed the tenant approximately two months ago, and again early September but he has not received a response. He has made inquiries with the RCMP in Whistler who informed him that the tenant is believed to reside in Revelstoke.

Analysis

Although email correspondence may, under rigid and exceptional circumstances, be considered proper service, I am not convinced in this application that the tenant continues to use the email currently in possession of the landlord, or that the email in question is a valid account used by that tenant. Based on his submissions, the landlord has not proven that email has been a medium by which successful delivery can be ascertained.

Conclusion

The landlord's application is dismissed.

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: September 19, 2011.

Residential Tenancy Branch