



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes mndc, mnsd, ff

Introduction:

The tenant claims a Monetary Order in the sum of \$21,237.00.

The tenant and his agent attended the hearing. Neither respondent attended.

The tenant's agent advised that the male respondent had been served through his lawyer, who had acknowledged acceptance of service on behalf of his client. However, the tenant's agent also advised that the claim for a Monetary Order was being advanced only as against the female respondent, and not as against the male respondent.

The tenant's agent advised that the tenant had hoped to serve the female respondent by way of registered mail, but discovered that the female respondent had moved away to an unknown address somewhere in Washington. An email was sent to the female respondent's last known email address, advising of this hearing. No reply or acknowledgment of receipt of this email has occurred.

As a result, the hearing did not proceed because the tenant confirmed that the claim is not being pursued as against the male respondent, and as the tenant was unable to meet the burden of proving that they properly served the female respondent with the notice of hearing and all evidence, in a manner as required under the Residential Tenancy Act, This issue is governed by section 89 of the Residential Tenancy Act, which contains no provision permitting service by way of email.

Conclusion:

Given that the tenant confirms that no claim is made as against the male respondent, the claim against the male respondent is dismissed as abandoned.

As the merits of the tenant's claim have not been decided, the claim is dismissed with leave to re-apply, as against the female respondent. Such leave should not be construed to extend any applicable limitation period that may apply.

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: December 03, 2015

Residential Tenancy Branch

