



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE ALPINE INN
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, RPP, FFT

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

- an order to the landlord to provide services or facilities required by law pursuant to section 65; an order requiring the landlord to return the tenant's personal property pursuant to section 65;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

This matter was set for a conference call hearing at 11:00 a.m. on this date. The tenant and his advocate participated in the hearing, the landlord did not. The advocate submits that they have emailed the Notice of Hearing Documents and Application as per the Directors Order during the Provincial State of Emergency as a result of the COVID – 19 Pandemic.

The tenant testified that he corresponded regularly with the landlord by email. However, the tenant did not provide sufficient documentation that he did correspond with the landlord by e-mail. In addition, the tenant was unable to confirm who he specifically sent the documents to or proof that the email provided was in fact the correct email to contact the landlord. Based on the above, the tenant was unable to satisfy me that the landlord had been served the Notice of Hearing Documents in accordance with Section 89 of the *Act* and as a result, I dismiss the tenant's application with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

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 03, 2020

Residential Tenancy Branch