



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNDCL, MNRL

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for compensation - Section 67;
3. A Monetary Order for damages - Section 67; and
4. An Order to retain the security deposit - Section 38.

The Tenants did not attend the hearing. The Landlord served the Tenants with the application for dispute resolution and notice of hearing (the “Materials”) by email on May 28, 2020. The Tenants did not reply to this email. The Landlord did not provide copies of email correspondence with the Tenants. The Landlord did not obtain an order for substituted service by email. The Landlord uploaded most of its documents in a format that is not supported. The Tenants moved out of the unit and did not provide the Landlord with a forwarding address. The Landlord has no evidence of the residential or mailing address of the Tenants. The Landlord’s application sets out the dispute address as the Tenants’ address in the application.

The DIRECTOR’S ORDER pursuant to sections 71(2)(b) and (c) of the Residential Tenancy Act provides that until the declaration of the state of emergency made under the Emergency Program Act on March 18, 2020 is cancelled or expires without being extended:

- a document of the type described in section 88 or 89 of the Residential Tenancy Act or section 81 or 82 of the Manufactured Home Park Tenancy Act has been sufficiently given or served for the purposes of the applicable Act if the document is given or served on the person in one of the following ways:

- the document is emailed to the email address of the person to whom the document is to be given or served, and that person confirms receipt of the document by way of return email in which case the document is deemed to have been received on the date the person confirms receipt;
- the document is emailed to the email address of the person to whom the document is to be given or served, and that person responds to the email without identifying an issue with the transmission or viewing of the document, or with their understanding of the document, in which case the document is deemed to have been received on the date the person responds; or
- the document is emailed to the email address that the person to whom the document is to be given or served has routinely used to correspond about tenancy matters from an email address that the person giving or serving the document has routinely used for such correspondence, in which case the document is deemed to have been received three days after it was emailed

Section 59(2) of the Act provides that an application for dispute resolution must

- (a) be in the applicable approved form,
- (b) include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, and
- (c) be accompanied by the fee prescribed in the regulations.

As there is no evidence that the Tenant's received the email service of the Materials and as the Landlord did not provide supported evidence of routine correspondence by email, I find that the Landlord has not provided sufficient evidence of service under the Director's Order. The dispute address provided as the Tenants' address in the application is not valid as the Tenants have moved out of this address and as the Landlord has not provided any particulars of the Tenant's residential or mailing address,

I find that the Landlord has not adequately completed the approved form. The application is dismissed with 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 Act.

Dated: September 28, 2020

Residential Tenancy Branch