



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNRL

Introduction

This hearing dealt with the Landlords' Application for Dispute Resolution, made on October 14, 2020 (the "Application"). The Landlords applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage or loss;
- an order to retain the security deposit; and
- a monetary order for unpaid rent;

The hearing was scheduled for 1:30pm on February 8, 2021 as a teleconference hearing. The Landlord J.O. attended the hearing at the appointed date and time. No one appeared for the Tenant. The conference call line remained open and was monitored for 10 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that J.O. and I were the only persons who had called into this teleconference.

Preliminary Matters

On October 23, 2020 the Landlords were successful with their Application for Substituted Service permitting the Landlords to serve the Tenant the Application for Dispute Resolution, with supporting documents and written evidence, along with a copy of this substituted service decision, to the Tenant's e-mail address.

I note the decision for Substituted Services dated October 23, 2020 states:

“I order the landlord to provide proof of service of the e-mail which may include a printout of the sent item, a confirmation of delivery receipt, or other documentation to confirm the landlord has served the tenant in accordance with this order. If possible, the landlord should provide a read receipt confirming the e-mail was opened and viewed by the tenant.”

During the hearing, the Landlord stated that he did not provide any proof of service to demonstrate he served the Tenant the Application for Dispute Resolution, with supporting documents and written evidence, along with a copy of this substituted service decision, to the Tenant’s e-mail address in accordance with the Substituted Service Order.

Furthermore, during the hearing, the Landlord stated that he served the Tenant via email on October 21, 2020 which pre-dated the Substituted Service Order made on October 23, 2020. I find that the Landlord has provided insufficient evidence to demonstrate that the Tenant was properly served in accordance with the Substituted Service order. As such, I dismiss the Landlords’ Application 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 *Residential Tenancy Act*.

Dated: February 08, 2021

Residential Tenancy Branch