



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

On March 7, 2021, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for an order of possession; for a monetary order for unpaid rent or utilities; to keep a security deposit; and to recover the cost of the filing fee.

This matter was set for hearing by telephone conference call at 9:30 am on this date. The Landlord attended the teleconference hearing; however, the Tenant did not. The line remained open while the phone system was monitored for nineteen (19) minutes and the Tenant did not call into the hearing during this time.

The Landlord provided affirmed testimony that the Tenant was served the Notice of Dispute Resolution Proceeding using email.

The Landlord was asked whether or not the Tenant provided the email address to the Landlord at the end of the tenancy for the specific purpose of exchanging tenancy related documents. The Landlord stated that the Tenant did not tell him that he could her email address for service of documents.

Residential Tenancy Branch Policy Guideline # 12 Service Provisions provides the following:

To serve documents by email, the party being served must have provided an email address specifically for the purposes of being served documents. If there is any doubt about whether an email address has been given for the purposes of giving or serving documents, an alternate form of service should be used, or an order for substituted service obtained.

I find that the Tenant did not give the Landlord permission to serve tenancy documents using email. The Tenant did not appear at the hearing and I find that the Tenant was not served with the Notice of Dispute Resolution Proceeding in accordance with the service provisions.

The Landlord's application is dismissed in its entirety 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: June 15, 2021

Residential Tenancy Branch