



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD, MNETC, RPP

Introduction

This hearing dealt with the adjourned Application for Dispute Resolution by the Tenants filed under the *Residential Tenancy Act* (the “Act”) for a monetary order for compensation for monetary loss or other money owed, for a monetary order for compensation related to a Notice to End Tenancy for Landlord's Use of Property, for recovery of the security deposit and/or pet damage deposit back, and for the recovery of the personal property of the Tenants. The matter was set for a conference call.

One of the Tenants attended the hearing and was reminded that their affirmation from the previous proceedings carried forward to this hearing. As the Landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. Section 59 of the Act states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Tenant testified that they had emailed the Notice of Dispute Resolution Hearing documentation to the Landlord. The Tenants submitted two screen images of the emails sent to the Landlord into documentary evidence.

After reviewing these documents, the Tenant was asked to explain why the email address used for the service of the Notice of Dispute Resolution Hearing for these proceedings to the Landlord did not match the email address listed for the Landlord on the Tenants’ application.

The Tenant testified that the Landlord had changed their email address in an attempt to break contact with the Tenants. The Tenant was asked to provide proof that the email address used for the service of the Notice of Dispute Resolution Hearing for these

proceedings was the current email address of the Landlord. The Tenant testified that they had no evidence to prove that the email address they used was the Landlord's current email account.

As there is no evidence before to show that the email address used of the service of the Notice of Dispute Resolution Hearing documentation was an active email account for the Landlord, I find that I am not able to confirm that the Landlord had been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Therefore, I dismiss the Tenants' application with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

I dismiss the Tenants' 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: November 16, 2021

Residential Tenancy Branch