



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC-MT, MNDCT, RP, OLC, FFT

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a One Month Notice to End Tenancy for Cause, for an Order requiring the Landlord to make repairs, for an Order requiring the Landlord to comply with the tenancy agreement and/or the *Residential Tenancy Act (Act)*, for a monetary Order for money owed or compensation for damage or loss, and to recover the fee for filing this Application for Dispute Resolution. It is apparent from the Application for Dispute Resolution that the claim for a monetary Order for money owed or compensation for damage or loss is a duplicate of the claim to recover the fee for filing this Application for Dispute Resolution.

Background and Evidence

The Tenant stated that she served the Landlord with the Application for Dispute Resolution, via email, on December 13, 2021. Residential Tenancy Branch records show that the Tenant filed this Application for Dispute Resolution in August of 2021.

The Tenant stated that the Landlord gave her permission to serve documents via email. She was unable to provide the email address she used to served hearing documents to the Landlord.

The Tenant submitted no documentary evidence to corroborate her testimony that she served hearing documents to the Landlord via email.

Analysis

I find that the Tenant has submitted insufficient evidence to establish that she served hearing documents to the Landlord via email.

In reaching this conclusion I was influenced by the absence of evidence that corroborates her testimony that documents were served by email in December 13, 2021 and by her inability to cite the email address used to serve those documents.

As the Tenant has submitted insufficient evidence to establish that she served hearing documents to the Landlord via email, the Application for Dispute Resolution is dismissed, with leave to reapply.

In the event the Tenant wishes to file another Application for Dispute Resolution, the Tenant should be prepared at the next hearing to prove that documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*. In the event that the Tenant opts to serve documents by email, the Tenant should be prepared to prove:

- That the Landlord gave her permission to serve legal documents by email;
- The email address used to serve hearing documents/evidence; and
- Documentary evidence, such as a screen shot, that indicates documents have been sent.

Conclusion

The Application for Dispute Resolution 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 *Residential Tenancy Act*.

Dated: December 17, 2021