



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PLAN A REAL ESTATE SERVICES LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNETC, FFT

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made pursuant to the Residential Tenancy Act (the Act) on September 15, 2021. The Tenant applied for compensation pursuant to section 51(2) of the Act and to recover the filing fee pursuant to section 72 of the Act.

The Tenant attended the hearing and provided a solemn affirmation. The Landlord was not represented at the hearing. The hearing lasted 12 minutes.

The Tenant testified the Notice of Dispute Resolution Proceeding package was served on the Landlord by email. An undated screen print showing three email messages sent to KH was submitted in support. The screen print did not provide the address to which the messages were sent or indicate what documents were attached to the email messages.

Section 89(1)(f) of the Act confirms that a Notice of Dispute Resolution Proceeding package may be served on a person in accordance with the Residential Tenancy Regulation (the Regulation). Section 43(2) of the Regulation states that documents may be given to a person by emailing a copy **to an email address provided by the person as an address for service**.

In this case, I accept that email may have been the primary method of communication between the parties during the tenancy. However, I find there is insufficient evidence before me to conclude that the Notice of Dispute Resolution Proceeding package was sent to an email address provided by the Landlord as an address for service. In addition, the evidence submitted in support of service does not include the email address to which the documents were sent or indicate what documents were attached to the email messages.

Considering the above, I find that the Tenant's request for compensation pursuant to section 51(2) of the Act is dismissed with leave to reapply.

As the Tenant has not been successful, I find that the Tenant's request to recover the filing fee is dismissed without 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: May 26, 2022

Residential Tenancy Branch