



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCT

### Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Applicant on December 2, 2021, filed under the *Residential Tenancy Act* (the “Act”) for compensation for monetary loss or other money owed.

The description of the claim is as follows:

“deposit=350 \$395/30×2 1 = 2 7 6 3 1 6 – 2 7 6 = 4 0 3 5 0 + 4 0 = 3 9 0 also he didn't refund this money for 2 months. I require 390×3 = 1 1 7 0”

[Reproduced as written]

On December 9, 2021, the Applicant made an application requesting to be allowed to serve the Respondent by email. On December 30, 2021, the Adjudicator granted the Applicants request. The substitution service decision reads in part,

“For this reason, I allow the tenant substituted service of evidence by e-mail to the landlord at the e-mail address indicated on the first page of this decision. **I order the tenant to provide proof of service of the e-mail which may include a print-out of the sent item, a confirmation of delivery receipt, or other documentation to confirm the tenant has served the landlord in accordance with this order.** If possible, the tenant should provide a read receipt confirming the e-mail was opened and viewed by the landlord”.

[Reproduced as written]

The tenant did not comply with the above order as they did not provide proof of service of the email as directed.

The Applicant did not attend. The Respondent attended and stated that they were not served with any Application for Dispute Resolution or Notice of Hearing and only learned about this matter after they received an email notification from the Residential Tenancy Branch regarding this hearing and were provided the conference information at that time.

The Respondent stated they are not a landlord that they are tenant under their own tenancy agreement and sometimes they will have a roommate.

This matter was set for hearing by telephone conference call at 1:30 P.M on June 30, 2022. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Respondent.

The Applicant did not serve their application on the Respondent and failed to comply with the substituted service order, by failing to submit a copy of the email of service.

I accept the testimony of the Respondent that they are tenant under their own agreement and will rent a room as a shared living accommodation. I find I must dismiss the Applicant's application without leave to reapply as we have no jurisdiction over disputes between a tenant and a roommate.

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: July 4, 2022

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Residential Tenancy Branch