



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, DRI

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 46; and
2. An Order in relation to a disputed rent increase - Section 43.

The Landlord did not attend the hearing. The Tenants served the Landlord with their application for dispute resolution by email. The Tenants did not obtain the Landlord's authorization to serve the Landlord with documents by email. The Tenants note that the Landlord served the Tenants the notice to end tenancy by email without their authorization. The Tenants also note that the notice to end tenancy they received from the Landlord was undated and unsigned.

Section 89(1) of the Act provides that an application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*];

(f) by any other means of service provided for in the regulations.

Section 42(2) of the Regulations provides that for the purposes of section 89 (1)

(f) [*special rules for certain documents*] of the Act, the documents described in section 89 (1) of the Act may be given to a person by emailing a copy to an email address provided as an address for service by the person.

As the Landlord did not provide their email address for service, I find that the application for dispute resolution has not been served as required under the Act. I therefore dismiss the Tenants' application with leave to reapply. Leave to reapply is not an extension of any limitation period.

Section 52 of the Act provides that in order to be effective, a notice to end a tenancy must be in writing and must

- (a) **be signed and dated by the landlord** or tenant giving the notice,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy,
- (d.1) for a notice under section 45.1 [*tenant's notice: family violence or long-term care*], be accompanied by a statement made in accordance with section 45.2 [*confirmation of eligibility*], and
- (e) when given by a landlord, be in the approved form.

Although no finding may be made on whether or not the notice to end tenancy given to the Tenants is effective to end the tenancy, I set out the above requirements for the Parties' information.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: October 06, 2022

Residential Tenancy Branch