



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCL-S FFL

### Introduction and Analysis

This hearing dealt with the landlords' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for a monetary order of \$800 for unpaid rent and the filing fee.

Landlord SG (landlord) attended the teleconference hearing and was affirmed. The tenant did not attend the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing dated March 1, 2022 (Notice of Hearing), application and documentary evidence were considered (Hearing Package). The landlord testified that the Hearing Package was served on the tenant via email and that the tenant did not respond to the email. The landlord stated they also texted the tenant and that the tenant did not respond to their text.

Part 8 of the *Residential Tenancy Regulation* (Regulation) sets out the requirements for giving and serving documents. Section 43(1) of the Regulation applies and states:

#### **Other means of giving or serving documents**

**43(1)** For the purposes of section 88 (j) [*how to give or serve documents generally*] of the Act, the documents described in section 88 of the Act may be given to or served on a person by emailing a copy to an email address provided as an address for service by the person.

The landlord testified that the email address for the tenant used was the email from the bank when the tenant had paid rent via e-transfer. In addition, that email address was not include the tenant's email address in the landlords' application. The landlord also confirmed that the tenant did not provide their email address for service purposes.

Both parties have the right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and Application. Therefore, **I dismiss** the landlords' application **with leave to reapply** as I am not satisfied that the tenant has been sufficiently served with the Notice of Hearing and Application in a manner provided for under the Act. I note this decision does not extend any applicable time limits under the Act.

I do not grant the landlord the filing fee due to a service issue.

The tenant was provided 48 minutes to ask questions, ranging from reapplying for unpaid rent, how long the tenant has to provide a written forwarding address, methods of service, deadline for making a claim under the Act and details relating to sections 24 and 25 of the Regulation pertaining to the tenant's personal belongings. After 22 minutes, the landlord requested that their friend be permitted to call in to ask additional questions, which was permitted. The landlord was reminded that all of the information provided was not legal advice or direction.

### Conclusion

The landlords' application is dismissed with leave to reapply due to a service issue.

This Decision does not extend any applicable time limits under the Act.

The filing fee is not granted.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: October 13, 2022

---

Residential Tenancy Branch