



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDL-S MNRL-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 in the amount of \$5,873.05 for damages to the unit, site or property, for unpaid rent or utilities, to retain the security deposit towards any amount owing, and to recover the filing fee.

The landlords attended the teleconference hearing. As the tenants did not attend the hearing, the landlords were asked how they served the tenants. The landlords confirmed that they sent the Notice of Dispute Resolution Hearing (Notice of Hearing) by email to the tenants. Section 43(2) of the *Residential Tenancy Regulation* applies and states:

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

**43(2)** 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.**

[emphasis added]

The landlords had applied for substituted service by email and were denied. In addition, the landlords failed to present documentary evidence to support that the respondent tenants provided their email addresses as a method for service. Both parties have the right to a fair hearing. The tenants would not be aware of the hearing without having received the Notice of Hearing and application. Therefore, **I dismiss** the landlords' application **with leave to reapply** as I am not satisfied that the tenants have 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 decline to award the filing fee due to a service issue.

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.

This decision will be emailed to the parties at the email addresses listed on the application.

The filing fee is not granted due to the service issue.

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: January 16, 2023

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Residential Tenancy Branch