



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, MNDCL-S, FFL

Introduction

This hearing was set to deal with a landlord's application for a Monetary Order for unpaid rent and other damages or loss under the Act, regulations or tenancy agreement; and, authorization to retain the tenant's security deposit.

The landlord appeared at the hearing along with a person who translated for the landlord. There was no appearance on part tenant.

Since the tenant did not appear, I explored service of hearing materials upon the tenant. The landlord submitted that the proceeding materials were sent to the tenant via email, shortly after filing, and by text message; however, no response was received from the tenant.

I asked if the tenant had consented to being served by email, in writing, to which the landlord stated she had not.

Section 89(1) provides for the ways an Application for Dispute Resolution and other required documents pertaining to a monetary claim must be served upon the respondent. Text messaging proceeding documents to a respondent is not a permissible method of service unless the Director authorizes it by way of a Substituted Service Order. Email is an acceptable method of service if the tenant has consented to being served by email or the applicant has received authorization from the Director to serve by email in a Substituted Service Order.

The landlord did not have the tenant's consent or a Substituted Service Order authorizing service by email or text message. The lack of authorization coupled with no response or appearance by the tenant leads me to conclude the tenant was not sufficiently served and I decline to consider the application further.

The landlord's application is **dismissed with 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: February 02, 2023

Residential Tenancy Branch