



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

**Dispute Codes**      **MNSD, FFT**

### **Introduction**

This hearing dealt with an application by the tenants pursuant to the Residential Tenancy Act (“Act”) for orders as follows:

- For an order returning the security deposit pursuant to section 38 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

The landlord did not appear. Tenant JJ appeared. The tenant was given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

The tenant JJ testified that he sent the dispute notice and evidence package to the landlord by email. The tenant stated that although he and the landlord communicated by email regularly, they did not have an agreement in writing permitting the tenant to use the landlord’s email address as an address for service.

The tenant further stated that he did not have an order for substitutional service. The tenant has not heard from the landlord and does not know if he received the dispute notice and evidence package.

During the hearing the tenant attempted to contact the landlord but was unable to make contact.

I find that service has not been properly completed based on sections 88 and 89 of the Act. I dismiss the tenant's application with leave to reapply.

### Conclusion

The tenant'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: June 13, 2023

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Residential Tenancy Branch