



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes

First application: CNR, LRE, LAT, OLC FFT
Second application: CNR, LRE, LAT, OLC, FFT

Introduction, Preliminary Issues and Analysis

This dispute relates to two tenant Applications for Dispute Resolution (applications) seeking remedy under the *Residential Tenancy Act* (Act) for the following:

- Cancel 10 Day Notice to End Tenancy for Unpaid Rent or Utilities x 2,
- Suspend or set conditions on the landlord's right to enter the rental unit,
- Authorization to change locks,
- Order landlord to comply,
- Filing fee x 2

The tenant and a person named "Michelle" who refused to spell their name to properly identify themselves and was excused as a result, attended the teleconference hearing. As the landlord did not attend the hearing, the tenant was asked how they served the landlord. The tenant claims they emailed the landlord to an email address that appears not to be valid. The tenant failed to provide any supporting evidence that the landlord consented to being served by email such as a letter or email from the landlord. The email address provided I find is a generic email and not specific to a name and has been included on the cover page of this decision.

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 tenants were unable to present documentary evidence to support that the respondent landlord provided their email address as a method for service. The tenant also failed to provide any documentary evidence of email communication between the parties. Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of Hearing and application. Therefore, **I dismiss both tenant applications with leave to reapply** as I am not satisfied that the landlord 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 decline to award both filing fees due to a service issue.

Conclusion

The applications of the tenant are 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 tenant and to what appears to be a generic email address for the landlord, the latter of which is included on the cover page of this decision.

The filing fees are 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: June 2, 2023

Residential Tenancy Branch