



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER LUXURY REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDL-S MNRL-S MNDCL-S FFL

Introduction and Analysis

This hearing dealt with the landlords' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) for a monetary order in the amount of \$10,305.20 for unpaid rent or utilities, for damages to the unit, site or property, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

An agent for the landlord BW (agent) and an office manager for the landlord HC (office manager) attended the teleconference hearing. The agent and office manager testified that the tenant was served by email on June 25, 2020 with the Notice of Dispute Resolution Proceeding dated June 22, 2020 (Notice of Hearing).

The parties were advised that the Residential Tenancy Branch (RTB) Director's Order allowing service by email was rescinded on June 24, 2020, which states that service by email was only permitted between March 30, 2020 and June 23, 2020. As a result, I find that service by email on June 25, 2020 is not permitted under the Act, without an application for substituted service and resulting order, which the landlord has not yet applied for under the Act.

Both parties have the right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of Hearing and application. Therefore, I **dismiss** the landlord's 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. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Due to a service issue, I do not grant the filing fee.

The landlord may wish to make an application for substituted service under section 71 of the Act.

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 landlord, agent and tenant at the email addresses listed on the application form.

I do not grant the filing fee 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: October 9, 2020

Residential Tenancy Branch