

Interim Decision

Dispute Codes

OPR OPC MND MNSD MNDC FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

This is the Landlord’s application for an Order of Possession, a Monetary Order for unpaid rent and damages to the rental unit, to keep all of the security deposit and to recover the filing fee from the Tenants for the cost of the application.

The Landlord gave affirmed testimony and the hearing proceeded in the Tenants’ absence.

Preliminary Issues

At the onset of the Hearing, the Landlord testified that the Tenants abandoned the rental unit. Therefore the Landlord withdrew her application for an Order of Possession.

The Landlord testified that the Tenants did not provide a forwarding address to the Landlord.

The Landlord testified that the Tenant BN provided her with his parents’ residential address at the time he entered into the tenancy. The Landlord testified that a process server attended at the parents’ residence and provided the Tenant BN’s father with a copy of the notice of hearing package. The Tenant BN’s father acknowledged that he was the Tenant BN’s father.

The Landlord testified that she attempted to serve the Tenant YO at his place of employment, but that staff at the Tenant YO’s employment address advised that he was no longer working there. The Landlord testified that she did not know the

whereabouts of the Tenant YO and withdrew her claim against the Tenant YO only. The Landlord requested to amend her application to include a substituted service order against the Tenant BN.

Analysis

Pursuant to Section 64(3)(c), I amended the landlord's Application for Dispute Resolution to include an application for substituted service on the Tenant BN, and to remove the Tenant YO as a respondent. I adjourned the remainder of the Landlord's application to a date to be advised by the Residential Tenancy Branch.

With respect to orders for substituted service, the Residential Tenancy Policy Guidelines states:

An application for substituted service may be made at the time of filing the application or at a time after filing. The party who is applying for substituted service must be able to demonstrate the following two things:

- 1) that the party to be served cannot be served by any of the methods permitted under the Legislation, and
- 2) that the substituted service is likely to result in the party being served having actual knowledge of what is being served

I accept the Landlord's testimony that the Tenant BN's parents' current address was validly obtained as being that of his parents. I order that the Landlord may serve the Tenant BN by mailing documents by registered mail addressed to the Tenant BN *care of* the Tenant BN's father at the Tenant BN's parents' address.

The Residential Tenancy branch will mail the Landlord both parties' copies of a Notice of Reconvened Hearing. The Landlord is required to substitutionally serve the Tenant BN in the manner indicated on the Order, with:

1. a copy of this interim decision;
2. a copy of the substitutional service Order;

3. the Landlord's amended Application for Dispute Resolution; and
4. the Notice of Reconvened Hearing.

Conclusion

The Tenant BN can be served substitutionally at the address identified on the enclosed Order. The Landlord must serve the Tenant BN with a copy of this interim decision, a copy of the substitutional service Order, the Landlord's amended Application for Dispute Resolution and the Notice of Reconvened Hearing by registered mail at that address.

The Landlord will be required to prove service at the reconvened hearing.

April 15, 2009
