



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      SS

### Introduction

This matter dealt with an application by the Landlord for an Order permitting her to serve the Tenant with her Application, Notice of Hearing and evidence (or “hearing package”) in a different way than required under s. 89 of the Act.

### Background and Evidence

In her evidence and written submissions, the Landlord claimed that the Tenant moved out without Notice and failed to provide a forwarding address. The Landlord claimed that she tried to locate the Tenant through a number of online resources without success. The Landlord also claimed that she spoke with the Tenant’s father and he agreed to accept service on behalf of the Tenant and provide him with the hearing package in this matter.

### Analysis

RTB Policy Guideline #12 (Service Provisions) states at p. 7 that a party applying for substituted service must be able to demonstrate that the party to be served cannot be served by any of the methods permitted under the Act and that substituted service is likely to result in the party being served having actual knowledge of what is being served. I find that the Landlord has demonstrated that she cannot serve the Tenant in one of the ways set out in s. 89(1) of the Act. I further find that if the Tenant’s father is served with the Landlord’s hearing package, the Tenant will likely receive those documents or have actual notice of what is contained in them. Consequently, I Order pursuant to s. 71(1) of the Act that the Landlord may serve the Tenant’s father in person or by registered mail with her hearing package no later than 3 days from today’s date and that it will be deemed sufficiently served on the Tenant for the purposes of the Act.

### Conclusion

The Landlord’s application for substitutional service is granted. 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 18, 2010.

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Dispute Resolution Officer