

## **Decision**

**Dispute Codes:** SS

### **Introduction**

The landlord applies for substituted service of the application for dispute resolution and notice of hearing (the “hearing package”) and any accompanying documents. I considered the application on an ex parte basis.

### **Issue to be decided**

- Whether substituted service is likely to result in the tenant’s knowledge of the hearing and any documents accompanying the hearing package.

### **Background & Evidence**

The landlord served the tenant with a 10 day notice to end tenancy for unpaid rent dated November 11, 2010, and now wishes to serve the hearing package on the tenant. The landlord knows the location of the rental unit. The landlord is satisfied that the tenant presently continues to reside in the unit. Knocking repeatedly on the tenant’s door has not resulted in the door being answered by the tenant. The landlord does not know the tenant’s mailing address. In the result, the landlord has applied for substituted service in order that he may serve the hearing package by way of posting it on the tenant’s door.

### **Analysis**

Section 71 of the Act speaks to **Director’s orders: delivery and service of documents**, and provides in part as follows:

71(1) The director may order that a notice, order, process or other document may be served by substituted service in accordance with the order.

(2) In addition to the authority under subsection (1), the director may make any of the following orders:

(a) that a document must be served in a manner the director considers necessary, despite sections 88 [*how to give or serve documents generally*] and 89 [*special rules for certain documents*];

Having considered the landlord's application, I am satisfied that the tenant cannot be served by any of the methods permitted under the legislation, and that substituted service is likely to result in the tenant having actual knowledge of what is being served. Accordingly, I order that the landlord may serve the hearing package and any accompanying documents on the tenant by way of posting on the tenant's door.

A copy of this decision is to be appended to the hearing package and any accompanying documents served on the tenant.

### **Conclusion**

The landlord's application for an order for substituted service is hereby granted.

DATE: December 2, 2010

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Dispute Resolution Officer