

Application for Substituted Service

Dispute Codes SS

Introduction

On February 4, 2011, the landlord applied for an order for substituted service of his application for dispute resolution. I considered his application on an ex parte basis.

Issue to be Decided

Is substituted service likely to result in the tenant's knowledge of the hearing and any documents accompanying the hearing package?

Background and Evidence

The landlord applied for authorization to serve a copy of his dispute resolution hearing package to the tenant by posting it on the front door of the tenant's rental unit. He confirmed that a dispute resolution hearing has been scheduled for February 11, 2011 at 11:00 a.m. In his application for substituted service, the landlord explained that his attempts to serve these documents by hand had proven unsuccessful and that he could not serve by registered mail. At the hearing, he said that there is no regular mail delivery to addresses in this community. He said that all mail needs to be sent to post office boxes in this location and he does not have the tenant's post office box number.

At the commencement of the hearing, the landlord said that there have been recent developments that affected his application. He said that the tenant has phoned him and they have discussed the landlord's application for dispute resolution which the tenant has received. He said that the tenant has told him that he plans to vacate the rental unit on February 27, 2011. The landlord said that he told the tenant that he is willing to forego the monetary claim in his application if the tenant moves out on or before February 27, 2011.

Analysis

As set out below, section 71 of the *Act* outlines the process whereby a Dispute Resolution Officer may decide to allow for the substituted service of documents.

Director's orders: delivery and service of documents

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];

(b) that a document has been sufficiently served for the purposes of this Act on a date the director specifies;

(c) that a document not served in accordance with section 88 or 89 is sufficiently given or served for purposes of this Act.

At the hearing, I advised the landlord that he would not have enough time to post his dispute resolution hearing package and my decision three days in advance of the hearing, even if I granted the landlord his request for substituted service. The landlord said that he believed that his discussion with the tenant will lead to a resolution of the matters in dispute between them. The landlord withdrew his application for substituted service.

Conclusion

I dismiss the landlord's application for substituted service because he has withdrawn this application for substituted service.

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*.