



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      SS

### Introduction

This hearing dealt with an ex parte application by the landlord for an order permitting her to serve an application for dispute resolution and notice of hearing (the “Hearing Documents”) on the tenant in a manner not permitted under the Act.

### Issue to be Decided

Does the landlord require an order permitting her to substitutionally serve the tenant with the Hearing Documents?

### Background and Evidence

The landlord testified that in the three days following the time she picked up the Hearing Documents, she attempted to serve the tenant with the documents personally, but he evaded service. The landlord stated that she wished to serve the tenant via registered mail, but was concerned that because the Act directs that Hearing Documents be served within 3 days, she required an order for substituted service.

### Analysis

Section 59(3) of the Act requires the applicant to serve the Hearing Documents within 3 days or within a different period specified by the Director. At the hearing, I instructed the landlord to immediately serve the Hearing Documents via registered mail. I find that the delay which has occurred is insignificant and will still give the respondent tenant adequate opportunity to respond to the claim despite having been served outside the 3 day time period specified by the Act.

### Conclusion

The landlord may serve the Hearing Documents via registered mail and should do so by September 30, which is 3 days after I instructed her to serve the documents.

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: September 28, 2011

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Residential Tenancy Branch