



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS

Introduction

This matter dealt with an application by the landlord for an order permitting the landlord to serve the tenants with the Order or Decision of a Dispute Resolution Officer in a different way than required under section 88 of the *Residential Tenancy Act*.

Background and Evidence

The landlords obtained a written Decision and a monetary Order from a Dispute Resolution Officer on July 14, 2008.

The landlord's written submissions state that serving the tenants substitutionally by serving them at the address of one of the tenant's father's address by registered mail would result in the named parties receiving the documents because the landlords have served documents to the tenants at this address in the past with success.

The landlord's written submissions also states that the landlords have attempted to serve the tenants at a place of employment of one of the tenants on 2 occasions, but was advised that the tenant was no longer employed there. The landlord also attempted to contact one of the tenants at the tenant's pre-school, and attended at the tenant's father's residence but could not personally serve either tenant.

Further information provided by the landlords is that the tenants were served with the monetary order provided by the Residential Tenancy Branch, but in order to enforce the order, the tenants must be served with additional documents.

Analysis

The Residential Tenancy Branch provides copies of the written Decision to all parties of a dispute resolution hearing, whether or not the parties attend the hearing.

A party may file a monetary order with the Provincial Court of British Columbia, Small Claims division for enforcement. The party must comply with the Small Claims Rules

and the *Court Order Enforcement Act* to enforce the order, which may include serving documents on the debtor.

In this case, I find that the documents that the landlord applies to serve substitutionally are documents related to the enforcement of the order, and the application must be dealt with by the Provincial Court of British Columbia, Small Claims division, not with the Residential Tenancy Branch. The Residential Tenancy Branch has no jurisdiction to grant orders with respect to service of Court documents.

Conclusion

For the reasons set out above, the landlords' application for substitutional service order is hereby dismissed.

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: October 25, 2011.

Residential Tenancy Branch