

Interim Decision and Order

Dispute Codes: SS

The landlord applies for an order for substituted service of his application for dispute resolution. I considered his application on an ex parte basis.

Residential Tenancy Guideline #12 deals with service of documents. With respect to orders for substitutional service, the Guideline states:

An application for substituted service may be made at the time of filing the application or at a time after filing. The party applying for substituted service must be able to demonstrate two things:

- that the party to be served cannot be served by any of the methods permitted under the Legislation, and
- that the substituted service is likely to result in the party being served having actual knowledge of what is being served

This tenancy ended in July 2011 when the tenants abandoned the rental unit. The landlord testified that the tenants vacated the property without providing him with notice and did not provide a forwarding address to the landlord.

The landlord applied for dispute resolution on a previous occasion to seek a monetary Order against the tenants and to be given authorization to retain their security deposit. His application was dismissed with leave to reapply when he testified that he served that application by mailing it to the place of employment of one of the tenants.

In the landlord's current application for substituted service, the landlord testified that he has contacted the female tenant by telephone to arrange to meet with him, but she is no longer returning his calls or his text messages to do so. He stated that he knows where she works but has been unsuccessful in finding out when she works so that he can serve documents to her personally. Based on the size of the retail outlet where the female tenant works, he said it is impractical to attend this outlet in the hopes of finding her at work and serving her there. He testified that he has no home address for either tenants. He testified that the tenants are in a relationship and his service of a registered letter to the male tenant in the care of the female tenant will be directed to the male tenant.

The landlord therefore seeks an order for substituted service by registered mail sent to the female tenant's place of employment at xxx.

Based on the evidence provided by the landlord, I will therefore order that the female tenant be served substitutionally by way of registered mail of the application hearing package to the female tenant at xxx. I order that the male tenant's application hearing package be served at the same address by registered mail in the care of the female tenant.

A copy of this decision must be served along with the application for dispute resolution hearing package. Once served substitutionally, failure of the tenants to appear at the date and time set for the hearing may result in an Order being made against them.

Dated November 18, 2011

Residential Tenancy Branch