

Decision

Dispute Code: 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.

Issues to be decided

- Whether the substituted service requested is required and / or whether it is likely to result in the tenant’s knowledge of the hearing and any documents accompanying the hearing package.

Background and Evidence

In his application the landlord claims, in part, as follows:

...tenant signed the Condition Report when he moved out and put his address as General Delivery.

As to the specific manner in which the landlord seeks authority to serve the hearing package, in his application he states:

Reg Mail to Gen Delivery

Analysis

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

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*];

Section 88 of the Act speaks to **How to give or serve documents generally**. Section 89 of the Act addresses **Special rules for certain documents**, and provides in part:

89(1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

(d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant.

Having considered the information provided in the landlord's application, I find that the tenant provided the landlord with a forwarding address. I further find that the landlord currently has, therefore, the means available to him for serving the tenant with the hearing package pursuant to section 89(1)(d) of the Act, as above. Accordingly, there is no apparent requirement for issuance of an order granting substituted service.

Conclusion

Following from the above, the landlord's application 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*.

DATE: November 21, 2011

Residential Tenancy Branch