



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS

Introduction

This decision deals with the landlord's *ex parte* Application for Dispute Resolution seeking an order to allow service of an order to the tenant in a manner that is different than that allowed under the *Residential Tenancy Act (Act)*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to serve the tenant with an order in a manner that is different than allowed under Sections 88 or 89 of the Act, pursuant to Section 71 of the Act.

Background and Evidence

On February 16, 2012 the landlord obtained a decision and monetary order, written by me, based on a hearing held the same date at which the tenant did not attend but did send his agent step-father to represent his interests, under file number XXXXXX.

Prior to the hearing the tenant provided the Residential Tenancy Branch the step-father's name, XXXXX XXXX, and address as the address to send the decision of February 16, 2012 and during the hearing the tenant's agent testified that the tenant had a comprehension level of Grade 9.

I also note that in the hearing file (XXXXXX) the landlord provided a handwritten notation that the tenant provided the step-father's address as his forwarding address to which the landlord could forward the tenant's mail.

The landlord has attempted to serve the tenant with the order issued on February 16, 2012, by registered mail, but this mail, which had been addressed to the tenant at the step-father's address, was returned noting "moved/unknown".

Analysis

Based on the above, I find that since the tenant provided the landlord with his step-father's address as his forwarding address and since the tenant's agent step-father

provided me with his own address as the service address for the decision I granted on February 16, 2011 that the address for service is that provided by the tenant's agent.

Conclusion

I order that to facilitate service, the landlord is granted authority to serve the tenant's step-father, XXXXX XXXX, as named agent for the tenant in the decision, with the order issued on February 16, 2011 at the service address in accordance with any of the provisions of methods of service allowed under Section 88.

I order the landlord provide a copy of this decision in addition to the order issued on February 16, 2011 to the tenant's agent.

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: February 27, 2012.

Residential Tenancy Branch