



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF, SS

Introduction

This hearing was convened by way of conference call in response to an application made by the landlord for a monetary order for damage to the unit, site or property; for a monetary order for unpaid rent or utilities; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for an order permitting the landlord to keep all or part of the pet damage deposit or security deposit; for an order permitting the landlord to serve documents or evidence in a different way than required by the *Act*; and to recover the filing fee from the tenants for the cost of this application.

The landlord attended the conference call hearing and gave affirmed testimony. Neither tenant attended. The hearing focussed on the application for an order permitting the landlord to serve documents or evidence in a different way than required by the *Residential Tenancy Act*. The remainder of the landlord's application is hereby adjourned.

Issue(s) to be Decided

Is the landlord entitled to an order permitting the landlord to serve documents or evidence in a different way than required by the *Act*?

Background and Evidence

During the course of the hearing, the landlord testified to serving one of the tenants with the Landlord's Application for Dispute Resolution and notice of hearing documents by scanning the documents and emailing them to the tenant as well as delivering a copy of the documents to the tenant's mother, whom the tenant resided with. The landlord is not certain how long the tenant resided there after this tenancy ended, but the landlord learned that the tenant had obtained employment and moved to a camp in northern BC for work purposes and no address for the camp could be obtained. The landlord further

testified to having conversations with the tenant's mother, and that registered mail sent to the tenant at the mother's address would provide the tenant with notice of this dispute resolution proceeding.

The landlord further testified that the tenant's mother advised that the other tenant moved from the rental unit about a month after moving in. The tenancy began in September, 2010, one tenant moved out in or near October, 2010, and the other tenant remained in the rental unit until September, 2011. The landlord agrees that the landlord does not have a claim against the tenant who moved out in or near October, 2010.

Analysis

The *Residential Tenancy Act* permits me to make an order for substitutional service, and although the landlord has already provided the tenant with a copy of the notice of hearing and Landlord's Application for Dispute Resolution by email, I find that the method is not sanctioned by the *Act*. I accept the affirmed testimony of the landlord that serving the tenant by registered mail at the tenant's mother's address will afford the tenant with notice of this proceeding. Enclosed with this Decision is a Notice of Adjourned Hearing, and I order the landlord to serve: the Landlord's Application for Dispute Resolution, Notice of Adjourned Hearing which accompanies this Decision, all receipts for damages claimed, photographs, invoices, a copy of the tenancy agreement, and any other evidence that the landlord intends to rely on, upon the tenant by registered mail addressed to the tenant at the address of the tenant's mother, and that the landlord provide proof of such mailing prior to the commencement of the new hearing.

Conclusion

For the reasons set out above, the landlord's application as against tenant KMJ is hereby dismissed without leave to reapply.

I hereby order the landlord to serve the Landlord's Application for Dispute Resolution, the attached notice of hearing, a copy of this Decision, and all evidence that the landlord intends to rely on upon the tenant, LAJ by serving the tenant by **registered mail addressed to the tenant at the address of the tenant's mother, and by sending a copy by regular mail addressed to the tenant at the address of the tenant's mother, within 3 days of receiving a copy of this Decision.** Proof of service of the registered mail will provide sufficient evidence that the tenant has been served in accordance with the *Residential Tenancy Act*.

This hearing will be reconvened at the date and time quoted on the attached Notice of Adjourned Hearing. Failure of either party to attend may result in an order being made against that party.

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 08, 2012.

Residential Tenancy Branch