

## **DECISION**

Dispute Codes      SS

### Introduction

This matter dealt with an application by the Landlord for an order permitting the Landlord to serve the Tenant with the Notice of Hearing documents in a different way than required under the *Residential Tenancy Act* (the “Act”).

### Issue(s) to be Decided

Is the Landlord entitled to an order for substituted service?

### Background and Evidence

The Landlord submits that the Tenant abandoned the unit without leaving a forwarding address. The Landlord states that attempts to serve the Tenant with the Notice of Hearing documents occurred on June 30 and July 1, 2012 at the Tenant’s place of work were unsuccessful as the Tenant did not appear at work on those occasions. The Landlord submits that an employee at the Tenant’s place of work had informed the Landlord of the Tenant’s expected appearance at work on these dates.

The Landlord requests allowance to serve the Tenant by email, by personal service at the Tenant’s place of work or by registered mail to the Tenant’s place of work. The Landlord submits that these methods of service will result in the Tenant receiving the documents because the Landlord has corresponded previously with the Tenant by email and has knowledge of the Tenant’s place and address of employment as this was provided to the Landlord by the tenant upon applying to rent the unit.

### Analysis

Section 71 of the Act provides that a notice, order, process or other document may be served by substituted service in accordance with the order. A party applying for substituted service must demonstrate 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.

Section 89 of the Act provides as follows for the service of the Landlord's documents:

(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:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Given that the Landlord has requested, as one option for substituted service, personal service at the Tenant's place of work, noting that the Landlord was previously able to attend the Tenant's place of work to make such service and considering that the Landlord provided no reasons why such service cannot still be affected, I find that the Landlord does not require an order approving this service as the Act allows for such personal service. I therefore dismiss the Landlord's application. If the Landlord is unable to personally serve the Tenant at his place of employment for some reason, I give the Landlord leave to reapply for a different method of service not already approved by the Act.

#### Conclusion

The Landlord's application for substituted service is dismissed with leave to reapply.

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: July 10, 2012.

---

---

Residential Tenancy Branch