



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; OPB; MNR; MNSD; MNDC; FF; SS; O

Introduction

This is the Landlord's application for an Order allowing service of documents in a different way than required by the Act; for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to apply the security deposit towards her monetary award.; and to recover the cost of the filing fee from the Tenant.

The Landlord gave affirmed testimony at the Hearing.

Preliminary Matters

On May 4, 2012, the Landlord applied for an Order allowing substituted service of the Notice of Hearing documents upon the Tenants. In that application, the Landlord asked that service be allowed in one of the following ways:

- By regular mail to their last known address;
- By regular mail to their last known employer; or
- By Facebook message attaching PDFs of the documents to their Facebook accounts.

The Landlord's May 4th application was dismissed because the Dispute Resolution Officer was not satisfied that any of the proposed methods would result in the Tenants receiving the Notice of Hearing documents.

At the outset of the Hearing before me, the Landlord testified that she had new information with respect to the Tenants. She stated that the Tenants had told her they would not be moving into the rental unit because they had split up. The Landlord stated that she believed that they were still together as a couple because she has seen recent photographs of them together on Facebook. The Landlord testified that since the May 4th Hearing, she has spoken to the female Tenant's employer, who indicated that the female Tenant no longer works there. She stated that she spoke to the Tenants' former landlord, whose daughter is a friend of the female Tenant. The Landlord stated that the Tenant's former landlord told her where the female Tenant's father resides. The Landlord testified that when she did a credit check on the female Tenant, she listed her father's address as her former address. The Landlord stated that she did a "411" search on the female Tenant's father 2 weeks ago and the address provided is the

same address that the female Tenant's former landlord gave her and the address that came up on the credit check.

The Landlord asked that she be allowed to serve the Tenants by sending documents to the female Tenant's father at his home address. The Landlord submitted that the Tenants are attempting to avoid service and that she believes that they will receive notification of a Hearing date if documents were sent to the female Tenant's father.

I declined to allow service to be affected by sending documents to the female Tenant's father's residence. There is no evidence that the female Tenant or the male Tenant reside at that address, and no evidence that the female Tenant has a good relationship with her father and that her father would serve the Tenants with the documents if they were sent to his residence. I explained to the Landlord that if she could provide an Affidavit from the female Tenant's father indicating that he would be prepared to serve the Tenants with documents, then she might have success on a future application for substituted service.

The Tenants have not been served with Notice of Hearing documents and therefore I dismiss the Landlord's application **with leave to reapply**.

Conclusion

The Landlord's application 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 04, 2012.

Residential Tenancy Branch