



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: SS

Introduction

The landlords apply for substituted service of the application for dispute resolution and notice of hearing (the “hearing package”), and substituted service for the monetary order issued in their favour. The landlords’ application is considered on an *ex parte* basis.

Issue(s) to be Decided

Whether the substituted service requested is required / or whether it is likely to result in the tenant’s knowledge of the hearing (and any accompanying documents), and of the monetary order.

Background and Evidence

By decision dated June 8, 2012, the landlords were ordered to serve the hearing package and the monetary order in person on the tenant by way of a process server. In their current application the landlords have included an “Affidavit of Attempted Personal Service” sworn by the process server. In the Affidavit the process server concludes that “it is impracticable to serve the documents by personal service.” In the result, the landlords have applied for substituted service by means of mail.

Analysis

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

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*];

Having considered the landlords' application, I am satisfied that the tenant cannot be served by any of the methods permitted under the legislation, and that substituted service previously ordered by way of decision dated June 8, 2012 did not succeed.

Further, I am satisfied that the substituted service for which the landlords have now applied is likely to result in the tenant having actual knowledge of what is being served. Accordingly, I order that the landlords may serve the hearing package and the monetary order by way of registered mail no later than July 13, 2012, addressed to the tenant as follows:

- at his workplace address,

AND / OR

- in care of his employer at his employer's main office address.

A copy of this decision is to be appended to the hearing package (and any accompanying documents) and the monetary order, and to the monetary order if the monetary order is mailed as a separate package.

Conclusion

The landlords' application for an order for substituted service is hereby granted.

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 03, 2012.

Residential Tenancy Branch