



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS

Introduction

The applicant landlord has applied for an order allowing the landlord to substitutionally serve the respondent tenant with the Landlord's Application for Dispute Resolution, Notice of Hearing documents and evidence by serving the tenant's parents.

Issue(s) to be Decided

Has the landlord established that serving the tenant substitutionally by serving either of the tenant's parents will provide the tenant with notice of a hearing, and that such method of service will provide the tenant with notice of the hearing and notice of the application by the landlord?

Background and Evidence

The landlord's Application for Substituted Service states that the tenant abandoned the rental unit without providing the landlord with a forwarding address. The landlord called two phone numbers provided by the tenant and both numbers have been disconnected. Prior to disconnecting, the landlord has corresponded with the tenant by text message, however the tenant then refused to answer the landlord's calls or text messages. The landlord attempted to locate a new phone number for the tenant in the local phone book and internet, with no results.

The application also states that the landlord has called the tenant's father at his place of employment and discovered that the tenant's father has now retired.

The application further specifies that the landlord has located a phone number for the tenant's father, who would not provide the landlord with the tenant's phone number or address.

The landlord states that he believes the tenant is in contact with his parents and the Rental Contract includes an emergency contact for the tenant as his parents, and that serving the documents upon the tenant's parents will provide the tenant with notice of

an application made by the landlord and notice of the hearing for the dispute resolution hearing to take place.

Analysis

I accept the written submissions of the landlord that an address for the tenant cannot be located, and that the tenant's parents are listed on the tenancy agreement as contact persons in case of an emergency. I further accept that by serving the tenants parents, the documents are likely to come to the attention of the tenant.

I order that the landlord may serve the tenant by serving documents substitutionally by personally serving one of the tenant's parents and that the documents served in that fashion are served sufficiently for the purposes of the *Residential Tenancy Act*.

The landlord is required to substitutionally serve the tenant in the manner indicated on the enclosed Order, with:

1. a copy of this Decision;
2. a copy of the substitutional service Order;
3. the Landlord's Application for Dispute Resolution;
4. the Notice of Hearing documents; and
5. all evidence the landlord intends to rely on at the hearing.

Conclusion

The tenant can be served substitutionally by personally serving one of the tenant's parents at the address identified on the enclosed Order. The landlord must serve the tenant with a copy of this Decision, a copy of the substitutional service Order, the Landlord's Application for Dispute Resolution, the Notice of Hearing documents, and any evidence the landlord intends to rely on at the hearing. The landlord will be required to prove service at the Hearing.

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: October 26, 2012.

Residential Tenancy Branch