



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: SS

Introduction

The tenant applies for substituted service of the application for dispute resolution and notice of hearing (the “hearing package”) and any accompanying documents. The application was considered on an *ex parte* basis.

Issue(s) to be Decided

Whether the substituted service applied for is required.

Background and Evidence

The tenant claims that the only address made available to him for the landlords is an e-mail address. Accordingly, the tenant seeks authority to serve the hearing package by way of e-mail.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

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*];

Section 88 of the Act speaks to **How to give or serve documents generally**. Section 89 of the Act addresses **Special rules for certain documents**, and provides in part as follows:

89(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*].

I note in e-mail exchanges between the tenant and the landlords, which are included in the tenant's application for substituted service, that both parties had contact with an agent acting on the landlords' behalf. It appears in the e-mail(s) that contact particulars for the agent are readily available.

Section 1 of the Act defines "**landlord**" in part as follows:

- 1(a) the owner of the rental unit, the owner's agent or another person who, on behalf of the landlord,
 - (i) permits occupation of the rental unit under a tenancy agreement, or
 - (ii) exercises powers and performs duties under this Act, the tenancy agreement or a service agreement;

In the result, I find that the tenant has the means available to him for naming the landlords in addition to the landlords' agent in the application for dispute resolution, and

serving all landlords with the hearing package pursuant to section 89(1)(b) of the Act, as above. Accordingly, there is no apparent requirement for issuance of an order granting substituted service.

Conclusion

Following from all of the above, the tenant's application is hereby dismissed.

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: November 22, 2012.

Residential Tenancy Branch