



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

APPLICATION FOR SUBSTITUTED SERVICE

Dispute Codes SS

Introduction

This was an application by the landlord for an order allowing him to serve an application for dispute resolution on the respondent tenant in a method other than that prescribed by the *Residential Tenancy Act*. The landlord and counsel for the landlord participated in the hearing of this application

Issue(s) to be Decided

Should the landlord be granted an order allowing the landlord to serve his application on the tenant in a way other than set out in the Act?

Landlord's Submissions

The tenant did not provide the landlord a written forwarding address. The landlord tried calling the tenant's home and cell phone numbers, as well as the number for the tenant's ex-girlfriend, but all of these numbers appeared to be disconnected. The landlord did not have the tenant's email address.

The landlord found in the rental unit what appeared to be a will of the tenant's father. The landlord's lawyer searched the probate registry and found that the lawyer who prepared the tenant's father's will did obtain probate for the will. The landlord seeks an order allowing him to serve his application for dispute resolution and other hearing documents on the lawyer who prepared the tenant's father's will, as that lawyer may have a current address for the tenant and may be willing to forward the landlord's application to the tenant.

Analysis

I find that it is not appropriate to issue an order for substituted service.

The party applying for substituted service must be able to demonstrate (1) that the party to be served cannot be served by any of the methods permitted under the Act; and (2) that there is a reasonable expectation that the party being served will receive the documents in that way.

In this case, the landlord did not provide sufficient evidence to establish that he took reasonable steps to attempt to serve the tenant in a method permissible under the Act. Further, I am not satisfied that the tenant would in fact receive the landlord's documents if the landlord served them on the lawyer for the tenant's father's estate.

Conclusion

The application for substituted service is 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 9, 2012.

Residential Tenancy Branch