



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION - APPLICATION FOR SUBSTITUTED SERVICE

Dispute Code: SS

The landlord applied for an order allowing him to serve an Application for Dispute Resolution on the Tenant by way of substituted service.

I considered the landlord's application on an ex parte basis.

Residential Tenancy Guideline #12 deals with service of documents. With respect to substituted service the Guidelines state:

The party applying for substituted service must be able to demonstrate two things:

1. that the party to be served cannot be served by any of the methods permitted under the Legislation, and
2. that the substituted service is likely to result in the party being served having actual knowledge of what is being served

The landlord's application states that the tenant has moved to the United States and that he has obtained their post office box address to serve those documents. The landlord has stated that he wishes to use Canada Post Express as a means to serve the tenants as Canada Post does not provide a service to the United States under the regular domestic registered mail.

I asked the landlord if the "Canada Post Express" is registered and traceable, and he responded;"yes it is".

Residential Tenancy Policy Guideline 12 addresses this issue clearly and it states:

"Registered Mail includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available."

As Canada Post does provide the service required under the Guidelines, this application is unnecessary. The landlord has the option to the mechanism in place as per the

legislation to serve the tenants and does not require an order from the Branch to exercise this option.

Based on the above I dismiss the landlord's application 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: January 23, 2013

Residential Tenancy Branch

