



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: SS

Introduction

The landlord 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 likely to result in the tenant’s knowledge of the hearing, and any accompanying documents submitted as evidence by the landlord.

Background and Evidence

The landlord seeks an order of possession and certain compensation from the tenant by way of the dispute resolution process. The tenant has claimed she is presently working in Toronto, and has provided no specific contact particulars in that regard. However, the landlord’s understanding is that the tenant is actually in Vancouver and that she has removed most of her possessions from the rental unit. In the result, the landlord is concerned that the tenant may abandon the rental unit without providing a forwarding address, leaving the landlord unable to serve the hearing package for dispute resolution. As the landlord has shown there is a history of successful e-mail exchanges with the tenant, the landlord seeks authority to serve the hearing package and any accompanying documents by e-mail, as opposed to by way of the usual method(s).

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*];

Having considered the landlord's application, I am satisfied on a balance of probabilities that the tenant cannot likely be served by any of the methods permitted under the legislation, and that substituted service is likely to result in the tenant having actual knowledge of what is being served. Accordingly, I order that the landlord may serve the hearing package and any accompanying documents on the tenant by way of e-mail.

A copy of this decision is to be provided as an attachment to the hearing package and any accompanying documents which are served on the tenant.

Conclusion

The landlord's 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: January 23, 2013

