



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Code: SS

### Introduction

The landlord applies for substituted service of additional documentary evidence for a hearing scheduled to commence by telephone conference call at 11:00 a.m. on February 19, 2013.

### Issue(s) to be Decided

Whether the substituted service applied for is likely to result in the tenants' knowledge of the landlord's additional documentary evidence.

### Background and Evidence

In the application for dispute resolution the landlord seeks to obtain a monetary order as compensation for unpaid rent, to obtain authorization to retain the tenants' security deposit, and to recover the filing fee for the application. The landlord's application was filed on November 16, 2012, and the notice of hearing document(s) are dated the same.

It is understood that a move-out condition inspection was completed with the participation of both parties on November 16, 2012, at which time the landlord claims she personally served the tenants with the application for dispute resolution, the notice of hearing document(s), in addition to certain documentary evidence.

However, as the tenants failed to provide a forwarding address, the landlord seeks authority to serve additional documentary evidence by way of e-mail. In support of this application the landlord claims there were successful e-mail exchanges with one of the tenants in December 2012, and the landlord has provided copies of same.

### 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](http://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 that the additional documentary evidence cannot be served by any of the methods permitted under the legislation, and that the substituted service applied for is likely to result in the tenants' having knowledge of the additional documentary evidence. Accordingly, I order that the landlord may serve the additional documentary evidence on the tenants by e-mail.

**A copy of this decision is to be provided to the tenants along with the additional documentary evidence, all of which must be sent via e-mail to the tenants not later than midnight, Monday, February 11, 2013.**

#### Conclusion

The landlord's application 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: February 05, 2013

---

Residential Tenancy Branch

