



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: SS

Introduction

The landlords apply for substituted service of the application for dispute resolution and notice of hearing (the “hearing package”) and any accompanying documentary evidence, for a hearing scheduled to begin by telephone conference call at 3:00 p.m., June 6, 2013.

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 landlords.

Background and Evidence

The landlords claim the tenant vacated the unit towards the end of January 2013 without providing a forwarding address. The landlords seek certain compensation from the tenant by way of the dispute resolution process, and they consider that the tenant has intentionally avoided making herself available for service at her workplace address. In the result, the landlords seek authority to serve the tenant by way of registered mail at her workplace address with the hearing package and any accompanying documents. The landlords claim that the tenant provided them with her workplace address on her application for tenancy, and that they have spoken with her over the telephone at that address subsequent to the time when she vacated the unit.

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:

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 landlords' 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 landlords may serve the hearing package and any accompanying documents on the tenant at her workplace address by way of registered 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, all of which must be sent by registered mail by no later than midnight, Friday, March 15, 2013.

Conclusion

The landlords' 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: March 06, 2013

Residential Tenancy Branch

