



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS

Application for Substituted Service

The landlord's agent (the agent) applied for an order for substituted service of the monetary Order issued by an Arbitrator on January 7, 2013. I considered this application on an ex parte basis.

Residential Tenancy Guideline #12 deals with the service of documents. With respect to orders for substitutional service, the Guideline states:

An application for substituted service may be made at the time of filing the application or at a time after filing. The party applying for substituted service must be able to demonstrate two things:

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

The agent testified that the landlord has been unable to serve the respondent with the \$6,970.00 monetary Order issued by the Arbitrator to the tenant because the tenant vacated his rental unit, the dispute address, without leaving the landlord a current forwarding address. The agent entered sworn oral testimony and written evidence that he hired a tracing firm to locate the tenant's whereabouts. The tracing firm identified the respondent's employer and the employer's work address, a moving company in the Lower Mainland. The September 30, 2013 document from the tracing firm the agent entered into written evidence noted that the respondent named above works as a "mover" for a moving and storage company. This document also noted that the respondent had no fixed address and slept at various individuals' residences from time to time. The agent seeks an order for substituted service by registered mail sent to the respondent at the respondent's employer:

ABC Moving
123 Somewhere Street
City, British Columbia,

The agent did not have any further details regarding the information that formed the basis for the tracing firm's claim that the respondent could be accessed at his place of employment. The agent had no information about the frequency of the respondent's work for the employer.

At the hearing, the agent contacted the tracing firm to attempt to obtain more information from the tracing firm about the respondent's work pattern and circumstances of his employment as they are known to the tracing firm. Although the agent was able to speak with someone at the tracing firm, he was unable to obtain information about the respondent and requested that the tracing firm send him more details within the next day providing a more comprehensive outline of the tracing firm's knowledge of the respondent's circumstances. The agent said that he would forward this information to the Residential Tenancy Branch at an email address I provided to him on or before October 11, 2013.

On October 11, 2013, the agent submitted the written statement from the tracing firm, which provided more information about the respondent. The tracing firm maintained that its enquiries revealed that the respondent works at the above moving company's sole location and that he attends work at that location on a daily basis.

Given the agent's sworn testimony and the written evidence supplied by the agent, I am satisfied that the landlord's application for substituted service order meets the requirements of Residential Tenancy Guideline 12, as set out above. I am satisfied that the tenant cannot be served by any of the methods permitted under the *Act*, and that substituted service is likely to result in the respondent being served with actual knowledge of what is being served.

For these reasons, I allow the landlord's application for substituted service of the Arbitrator's January 7, 2013 Order which I order can be achieved by serving substitutionally by registered mail to the respondent at the respondent's place of employment at:

ABC Moving
123 Somewhere Street
City, British Columbia,

A copy of this decision must also be served with The Arbitrator's monetary Order of January 7, 2013.

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: October 15, 2013

Residential Tenancy Branch