



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes SS

Introduction

This hearing dealt with the landlord's application pursuant to section 71 of the *Residential Tenancy Act* (the *Act*) for an order to be allowed to serve documents or evidence in a different way than required by the *Act*. I considered this application on an ex parte basis, although I did hear sworn testimony from the landlord.

Residential Tenancy Guideline #12 deals with 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 landlord posted a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on the tenant's door on October 3, 2013.

The landlord applied for dispute resolution on October 17, 2013, seeking an Order of Possession and a monetary Order. On October 21, 2013, the landlord obtained a Notice of a Dispute Resolution Hearing from the Residential Tenancy Branch. The teleconference hearing of the landlord's application is scheduled for January 27, 2014 at 11:00 a.m.

The landlord gave sworn testimony that the tenant vacated the rental unit by October 16, 2013 without providing him with her forwarding address. The landlord has placed phone calls and text messages to her with no success. The landlord gave sworn testimony and written evidence that he attempted to hand deliver his dispute resolution

hearing package including the Notice of a Dispute Resolution Hearing to the tenant at her place of employment, a local pharmacy, on Tuesday, October 22, 2013. Although she was present and initially took the landlord's dispute resolution hearing package from him, he said that the tenant refused to accept this package from him.

The landlord therefore seeks an order for substituted service by registered mail or process server to the tenant at the following address for her place of employment:

ABC DEF
Street Name
Her Town BC

Based on the above-noted information, I am satisfied that the landlord has demonstrated that none of the permitted methods to serve documents including his hearing package to the tenant are available. Since the landlord very recently attempted to hand the tenant a copy of his hearing package at her place of employment, I am also satisfied that the landlord has shown that service by registered mail will result in her obtaining actual knowledge of what is being served.

I therefore order that the tenant be served substitutionally by way of registered mail at the tenant's place of employment as outlined above and as requested by the landlord.

A copy of this decision must be served along with the dispute resolution hearing package. The landlord may also wish to include with his hearing package any evidence upon which he intends to rely if that is currently available to him. Once served substitutionally, failure of the tenant to appear at the date and time set for the hearing may result in an Order being made against her.

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 25, 2013

Residential Tenancy Branch