



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: SS

Introduction

The landlords have applied for substituted service of the Notice of Hearing documents (and all related documentary evidence), an Order or Decision of an Arbitrator, and the Notice of a Review of the Decision or Order of an Arbitrator.

This decision is limited to consideration of the application for substituted service of the Notice of Hearing documents (and all related documentary evidence).

Issue(s) to be Decided

Whether the substituted service applied for is likely to result in the tenants' knowledge of the Notice of Hearing documents (and all related documentary evidence).

Background and Evidence

The landlords entered into a written tenancy agreement with the tenants for a tenancy beginning on August 1, 2013. Thereafter, the tenants vacated the unit at the end of September 2013, and then informed the landlords that they had done so. The landlords seek certain compensation from the tenants, however, the tenants have not provided a forwarding address. Despite this, the parties have been in frequent contact by way of email. Accordingly, the landlords seek authority to serve the tenants with the Notice of Hearing documents (and all related documentary evidence) by way of email. In support of their application the landlords have included copies of numerous email exchanges with the tenants subsequent to the time when the tenants 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 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 landlords' application, I am satisfied that the Notice of Hearing documents (and all related 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 Notice of Hearing documents (and all related documentary evidence). Accordingly, I order that the landlords may serve the Notice of Hearing documents (and all related documentary evidence) on the tenants by way of email.

A copy of this decision is to be provided to the tenants along with the Notice of Hearing documents (and all related documentary evidence), all of which must be sent to the tenants by way of email by not later than midnight, Monday, December 23, 2013.

Conclusion

The landlords' 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: December 10, 2013

Residential Tenancy Branch

