



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **APPLICATION FOR SUBSTITUTED SERVICE**

Dispute Codes: FF MND MNDC MNR MNSD OPB

The landlord applies for an Order allowing them to serve an Application for Dispute Resolution with Notice of Hearing, and any evidence on the tenant(s) by way of substituted service.

The landlord's application states that the tenant suddenly vacated and refusing to give forwarding address. The landlord now seeks an Order allowing them to serve the Application and Notice of Hearing and document evidence by e-mail.

The landlord testified that they have no other means to serve the tenant other than by way of electronic mail (e-mail). The landlord states they do not possess a forwarding address for the tenant or any other physical address to send or leave documents, and do not know the tenant's whereabouts. However, the landlord stated that they have recently communicated with the tenant by e-mail and that the tenant has responded and the tenant and landlord continue to communicate.

*Residential Tenancy Guideline #12* deals with service of documents. With respect to substituted service the Guidelines state:

*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 there is a reasonable expectation that the party being served will receive the documents in the manner proposed.*

I have considered the landlord's application. I find that the landlord has supplied sufficient evidence to demonstrate the tenant will receive the documents by e-mail as provided. As a result, I am satisfied that an Application for Dispute Resolution and Notice of Hearing sent to the tenant by e-mail will reasonably result in the tenant being served and ensure that the tenant has notice of the claims being made against them in

keeping with the principles of natural justice. Therefore, this application for substituted service **is granted only as follows.**

1. The landlord will send the Notice of Hearing, along with their Application for Dispute Resolution, and any document evidence upon which the landlord intends to rely on in the hearing, **no later than Friday, December 13, 2013.**
2. The landlord must send all the noted documents to the tenants **to the e-mail addresses provided** on the landlord's Application for Substituted Service dated December 03, 2013.
3. The landlord must send to the tenant **a copy of this Decision.**
4. The landlord may send documents as attachments, **but in addition must include the following wording in the body of the e-mail:**

Notice of Dispute Resolution Hearing  
File number 814224

A date has been set for a hearing to resolve the dispute described in the attached Application form. The hearing will be conducted by TELEPHONE CONFERENCE CALL. Please use one of the following phone numbers and pass codes below to join the Telephone conference Call.

Date and Time of Hearing: \_\_\_\_\_ (pacific time)  
Phone Number (604) \*\*\*-\*\*\*\*, or 1(800) ###-#### (toll free)

Access Code: \_\_\_\_\_

5. The landlord must provide **a copy** of all e-mail correspondence sent to the tenant **to the Branch Hearing.**

Failure to follow the above may result in substituted service being deemed invalid.

*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 03, 2013

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Residential Tenancy Branch