



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ENCORE PROPERTIES CANADA INC.
and [tenant name suppressed to protect privacy]

ORDER FOR SUBSTITUTED SERVICE

The Landlord seeks an order to allow for substituted service of the Notice of Hearing documents with this current file number, pursuant to an Application for Substituted Service, dated May 12, 2014 (the "Application").

An Ex Parte hearing was conducted on May 15, 2014, by teleconference hearing. Only the Agent for the Landlord appeared at the hearing. The Agent gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

I note that the Landlord had incorrectly filled out the name of the party requesting substituted service, and therefore, I have amended the Application in the name of the Landlord's Agent, who made the Application on behalf of the Landlord.

The Landlord requests to be allowed to give or serve the documents by:

- Leaving the documents with the Tenant's Mother at the address where the Tenant currently resides with his Mother.

Under section 71 of the Act and as set out in Policy Guideline 12, section 12, an order for substituted service may be made if the party applying for substituted service can 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 that way.

The Agent for the Landlord testified that she went to an address she had for the Tenant and spoke with a woman who identified herself as the Mother of the Tenant. The Agent testified she had attempted to serve the Tenant by registered mail, however, the Tenant frequently works out of town and therefore, his Mother would not be able to sign for the registered mail.

The Agent for the Landlord testified that the Mother of the Tenant informed her that she sees the Tenant on a regular basis and was willing to pass the documents on to the Tenant.

Based on the testimony and on a balance of probabilities, I find the Landlord has provided sufficient evidence to demonstrate that the Tenant cannot be served in one of the usual ways as set out under the Act, and that there is a reasonable expectation that the party being served will receive the documents in the manner requested.

Therefore, I grant the application for substituted service and **order that the Landlord may serve the Tenant as follows:**

By providing copies of this Decision, the Application for Dispute Resolution, the Notice of Hearing, and all evidence to be relied upon by the Landlord at the hearing, personally to the Mother of the Tenant at the address provided in the Application for Dispute Resolution.

Pursuant to section 71 of the Act, I order that such service is sufficiently given or served for the purposes of this Act.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: May 15, 2014

Residential Tenancy Branch

