



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS

Introduction

This is the Landlord's Application for an Order of Substituted Service. This is an *ex parte* application and does not require attendance by the Tenant. The application was made by written submissions of the Landlord.

Issue(s) to be Decided

Is the Landlord entitled to an Order allowing him to serve the Tenant with documents related to a dispute resolution proceeding in a manner different than that allowed under Section 88 of the *Residential Tenancy Act* (the "Act").

Background and Evidence

The Landlord seeks substituted service of a Decision and Order of an Arbitrator dated May 6, 2014.

The Landlord submitted that he has been looking for the Tenant for 2 years and retained a skip tracer to find the Tenant, but was unsuccessful. The Landlord was provided an address through other means which proved to be non-existent.

The Landlord has an e-mail address for the Tenant which he submits is a current and long standing address. The Landlord submits that the Tenant has a blog which was updated as recently as May 15, 2014, and which lists the e-mail address as contact information. The Landlord submits that the Tenant's Wikipedia profile, last updated May 3, 2014, also lists the same e-mail address. The Landlord provided screen captures of the Tenant's blog and a Wikipedia printout with her profile in evidence.

The Landlord seeks an Order that he may serve the Tenant by:

1. Attaching scanned copies of the Decision and Order to her e-mail address; or
2. Posting a comment to her blog advising that a Monetary Order was made against her on May 6, 2014, and providing contact information for her to obtain more information.

Analysis

Section 71 of the Act states the director may order that a notice, order, process or other documents may be served by substituted services and that a document must be served in a manner the director considers necessary.

I carefully considered the Landlord's written submissions and documentary evidence and could not find the e-mail address provided by the Landlord in either the Tenant's blog, or her Wikipedia profile. In addition, I find that there is insufficient evidence in the Landlord's written submissions that the Tenant, the owner of the blog and the Wikipedia profile is the same person.

The Landlord's application was adjourned to a telephone conference, scheduled for 1:30 p.m. on June 27, 2014, so that questions could be asked and answered. The Landlord did not sign into the teleconference, which remained open until 1:54 p.m.

Conclusion

I find that there is insufficient evidence that the Tenant will receive the Decision and Order in either of the methods outlined in the Landlord's application. The Landlord's application is dismissed.

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: June 27, 2014

Residential Tenancy Branch

