



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS

Introduction

This hearing was convened in response to an Application for Substituted Service (the “SS Application”) made by the Landlord pursuant to Section 71 of the *Residential Tenancy Act* (the “Act”) for an order to be allowed to serve documents in a different way than required by the Act.

Policy Guideline 12 to the Act 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 made an Application for Dispute Resolution (the “Application”) on September 8, 2014 for an Order of Possession (the file number for which appears on the front page of this decision as the additional file). The Landlord was provided with the Notice of Hearing documents which detailed the scheduled date and time for the participatory hearing, October 28, 2011 at 11:00 a.m., to determine the Landlord’s Application.

However, since making the Application, the Tenant has abandoned the rental suite without providing a forwarding address. While the Landlord no longer requires an Order of Possession, the Landlord intends on amending his Application for a monetary claim for unpaid rent. However, the Landlord is unable to serve the Tenant with a copy of his

intended amended Application and now seeks in this SS Application, an order to be allowed to serve the amended Application for his monetary claim for unpaid rent in a different way than required by the Act.

The Landlord testified that the Tenant provided him with postdated cheques since the start of the tenancy in May, 2014. The rent cheques document the Tenant's name along with an e-mail address.

The Landlord submits that he conducted some research using the e-mail address which shows that it relates to a company; however the content of the company web page is hidden and is not for public viewing. The Landlord submits that as this e-mail address belongs to the Tenant, he request that he be allowed to serve his amended Application to this e-mail address.

When the Landlord was asked about the e-mail address, the Landlord submitted that he had never used it before and did not know whether it was an active e-mail address or whether the Tenant is the owner or has control of it.

Based on the foregoing, I find that the Landlord has failed to provide sufficient information that the Tenant will likely receive documents from the Landlord at this e-mail address. I find that in the absence of any proof that this e-mail address belongs to the Tenant and the Tenant has regular and exclusive access to it, I am not satisfied that the Tenant will likely receive the documents in this manner. Therefore, the Landlord's request for substituted service is denied.

The Landlord is at liberty to make a subsequent request for substituted service in order to provide additional evidence that substituted service will likely result in the Tenant being served.

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 03, 2014

Residential Tenancy Branch

