



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS

Introduction

This hearing took place to hear the landlord's application for an Order allowing the landlord to serve the tenant the Decision and Order made on May, 06, 2014 by serving the tenant to the tenant's private page on her social media site, Facebook.

Issue(s) to be Decided

Will the applicant's requested method of substituted service likely result in the respondent receiving the documents?

Background and Evidence

The applicant's counsel stated that the applicant and Counsel have exhausted all other avenues to attempt to serve the tenant as required under s. 88 of the *Act* with the Decision and Order. The applicant has engaged the services of a skip tracing company but they were unable to locate the tenant, the applicant has attempted to find the tenant through her media website and blog that were previously active and have now had the tenant's email address removed; they have attempted to find the tenant through an address given on her website which turns out to be an address for Vancouver Library, and the telephone number provide is a false number; the process server sent a letter to a family member of the tenant asking them to accept service on behalf of the tenant but no response has been obtained.

Counsel for the applicant states that they have determined that the tenant is still an active user of the social media site Facebook and although the landlord has been blocked by the tenant from accessing the tenant's Facebook page the process server is

able to access this page on behalf of the applicant. Counsel for the applicant states that he believes this method of service will result in the named party receiving the documents because they have shown in documentary evidence that the tenant still actively uses this site and a private message sent to the tenant's private message page with the Decision and Order attached will result in the tenant being served these documents. Counsel for the applicant states that service of the Decision and Order in this manner this will result in a notification from Facebook showing that the tenant has received the message.

Analysis

In order to grant an Order for substitute service, I must be persuaded that service in this manner will result in the tenant having actual knowledge of the documents served. Having reviewed the documentary evidence before me and the statements from Counsel for the landlord I am satisfied that the landlord has tried to serve the tenant in a conventional manner but has been unable to do so. I am satisfied that the tenant is still an active user of the social media site Facebook, and as such I am satisfied that the service of the Decision and Order to the tenant will be performed satisfactorily by attaching these to a private message on the tenant's Facebook page.

Conclusion

This application for a Substituted Service Order is upheld.

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 18, 2014

Residential Tenancy Branch

