



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS

Introduction

The Landlord applies for an order for substituted service pursuant to section 71 of the Residential Tenancy Act (the “Act”).

Issue(s) to be Decided

Is the Landlord entitled to an order for substituted service?

Background and Evidence

The Landlord applies for substituted service to both named Respondents by sending the documents to each Respondent by one email address. The Landlord submits that service was attempted by mail. The Landlord also submits that no forwarding address was provided. The Landlord provides a copy of an email communication between one of the Respondents and the Landlord. It is noted that this email is in relation to the location of a remote.

Analysis

Section 71 of the Act provides that an order may be made to allow service of documents in a method other than provided under the Act. Policy Guideline #12 provides that a person seeking an order for substituted service must be able to demonstrate that there is a reasonable expectation that the party being served will receive the documents in that way. The Landlord did not provide any evidence that any attempt was made to locate the Respondents or that the Respondents are avoiding service. The Landlord

appears to have provided conflicting evidence that documents were attempted to be served by mail by also stating that no forwarding address was provided. Finally as the Landlord only provided one email address for one Respondent I am not persuaded that service to this address will result in both Respondents receiving the documents. As a result I find that the Landlord has not substantiated an entitlement to an order for substituted service and I dismiss the application.

Conclusion

The 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: January 27, 2015

Residential Tenancy Branch

