



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes SS

Introduction

The Landlord applied for substitute service of the application for dispute resolution and notice of hearing (the hearing package).

Issue(s) to be Decided

Whether the substitute service is required so that the Tenant can receive the Landlord's hearing package.

Background and Evidence

The Landlord said that after the tenancy ended the Tenant made an agreement to pay the Landlord unpaid rent that resulted from two NSF cheques. The Landlord said the Tenant did not give him any forwarding address but communication between the parties continued by text messaging. The Tenant gave the Landlord additional posted dated cheques for the unpaid rent. The Landlord continued to say these cheques were also NSF when cashed and when he contacted the Tenant again by text messaging the Tenant told the Landlord her father would be handling this matter for her. The Landlord provided a copy of a text message, dated November 22, 2014, from the Tenant telling the Landlord to contact her father M.R. by phone and he would clear the matter up. The Landlord said he tried to contact the Tenant's agent/father approximately 12 times by phone but was unable to speak with him.

As a result the Landlord has requested to be able to service the Tenant through her father/agent at the father/agent's place of business.

Analysis

Section 71 (1) of the Act says the director may order that a notice, order, process or other document may be served by substituted service in accordance with the order.

(2) In addition to the authority under subsection (1), the director may make any of the following orders:

- (a) that a document must be served in a manner the director considers necessary, despite sections 88 [*how to give or serve documents generally*] and 89 [*special rules for certain documents*];
- (b) that a document has been sufficiently served for the purposes of this Act on a date the director specifies;
- (c) that a document not served in accordance with section 88 or 89 is sufficiently given or served for purposes of this Act.

After consideration of the Landlord's application for substitute service I am satisfied the Tenant cannot be serviced by methods permitted under the Act and that substitute service is warranted in this situation.

I authorize the Landlord to service the Tenant with the Hearing package and all other evidence and documents as follow:

- At the Tenant's father/agent's work address.

Conclusion

The Landlord's application for substitute service is hereby granted.

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 19, 2015

Residential Tenancy Branch

