



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

APPLICATION FOR SUBSTITUTED SERVICE

The landlord seeks an order to allow for substituted service of the Notice of Hearing documents and a copy of the Landlord's Application for Dispute Resolution filed on May 1, 2014.

The landlord request to be allowed to give or serve the documents by:

- Leaving document at tenant's employer address;
- Scanning and e-mailing copies of the said documents to the tenant's email address provided in her application for tenancy; or
- Delivering documents by regular mail to a person other than the tenant.

Under the Policy Guidelines an order for substituted service may be made if the party applying for substituted service can demonstrate two things: that the party to be served cannot be served by any of the methods permitted under the Legislation, and that there is a reasonable expectation that the party being served will receive the documents in that way.

Leaving documents at tenant's place of employment

The landlord writes in their application that the tenant vacated the rental unit on March 1, 2014, and has not provided a forwarding or new address.

The landlord writes that he attended the tenant's last known employer and the receptionist advised him that the tenant did not work in that office and that she was "in the field" and could not disclose any further information.

The landlord further writes that he asked the receptionist if the tenant received her pay cheque from that office and the answer was yes.

In this case, the landlord has attended the tenant's place of work on one occasion and spoke with the receptionist. However, there is no evidence that the landlord spoke to a person in charge, such as the tenant's supervisor to ensure the employer is agreeable to serve the tenant with the documents. The person who actually served the documents must be prepared to be available as a witness in the hearing to prove service or provide a signed statement with the details of how the documents were served.

I find the landlord has failed to provide sufficient evidence that the employer will accept the documents on behalf of the tenant and to serve the documents on the tenant.

Scanning and e-mailing documents

The landlord writes that the tenant provided an e-mail address in their application for tenancy and that the e-mails have successfully gone through in the past; the most recent one was dated January 30, 2014. Filed in evidence is a copy of the rental application.

While the parties may have communicated by email in the past, I find email to a hotmail account is not a secure or a reliable method of service and there is no way to determine if the document were received by the respondent tenant.

Delivering documents by regular mail to a person other than the tenant

The landlord writes that a person named SDM, has advised him in the past that he is the father of one of the tenant's children and that SDM has declared to him in the past that he was living in the rental unit with the tenant.

The landlord further writes that on March 17, 2014, he received an e-mail from SDM, which he stated that the tenant would not be providing him with her forwarding address and in that e-mail he advised the landlord that he was residing at [address removed]. A copy of the e-mail was not submitted as evidence.

In this case, the landlord seeks to send the said document to the above address by regular mail. However, there is no evidence that the landlord has spoken to SDM, to ensure that he is agreeable to serve the tenant with the documents. The person who actually served the documents must be prepared to be available as a witness in the hearing to prove service or provide a signed statement with the details of how the documents were served.

In light of the above, I find the landlord failed to provide sufficient evidence to support that there is a reasonable expectation that the party being served will receive the documents. Therefore, I dismiss the application for substituted service.

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: May 08, 2014

Residential Tenancy Branch