

FORM DIRECTIONS: If you are accessing this agreement from the B.C. Government Web site, it can be filled out at a computer workstation. It can also be printed and completed by hand. If completing sections by hand, please **print clearly, using dark ink**. If you are completing this form at a computer, simply type in your response in the boxes. If you cannot complete all the sections at the computer right away, you can print off what you have completed, and fill in the remaining fields by hand. It's important to note that you **cannot save** the completed form to your computer, therefore, after you complete the form, make sure you review the form for accuracy and print the number of copies you require **before** you leave the document or shut down the program/computer.

The Residential Tenancy Act and the Manufactured Home Park Tenancy Act allow an arbitrator to make an order that documents may be served in a method other than required under either act.

In respect of Residential Tenancy Office File #: Arbitration

I,
last name first name middle name(s)

I am requesting substituted service of the following:

- The Notice of Hearing documents
- An Order or Decision of an Arbitrator
- The Notice of a Review of the Decision or Order of an Arbitrator
- Other (*specify*):

I am seeking substituted service for the following person(s):

I have attempted to give or serve the documents by:

I am requesting that I be allowed to give or serve the document(s) by:

I believe that this method of service will result in the named party receiving the document(s) because:

I make this application fully aware that it is unlawful to make a false document.

Signed: _____ Date: (day/month/year) _____

FOR MORE INFORMATION . . . visit our Web site: www.rto.gov.bc.ca

OR call the Residential Tenancy Office at:

• In the Lower Mainland 604 660-1020 • elsewhere in B.C. call toll free: 1 800 665-8779

SUBSTITUTED SERVICE

In any judicial, or, in the case of the Residential Tenancy Office (RTO), a quasi-judicial process, there are specific requirements as to how notices, documents, evidence etc. are to be served to the parties involved. These requirements help to ensure fairness in the process. Changes were made to the legislation to broaden and simplify the methods of service. Even with these changes, people may still have problems meeting the requirements so the Residential Tenancy Act (RTA) and the Manufactured Home Park Tenancy Act (MHPTA) have provisions, commonly called substituted service, to assist.

SERVICE REQUIREMENTS

The following documents:

- **Application for Arbitration** (Including Notice of Hearing advising when and where a hearing will take place, any evidence submitted with the application and information about the arbitration process.)
- **Notice of a Review of the Arbitrator's Decision or Order** (Including any other documents an arbitrator deems necessary.)

MUST be served or given by:

- leaving a copy with the person (deemed received on the day it is left);
- if the person is a landlord, leaving a copy with an agent of the landlord (deemed received on the day it is left);
- sending a copy by registered mail to the address where the person lives or, if for a landlord, to the address where the person carries on business as a landlord (deemed received on the fifth day after mailing);
- if the person is a tenant, sending a copy by registered mail to a forwarding address provided by the tenant (**except where the application is by a landlord for an Order of Possession or an Order for the early end of tenancy**) (deemed received on the fifth day after mailing);

In addition to the above service options, an Application for Arbitration by a landlord for an Order of Possession or an Order ending the tenancy early can also be served by:

- attaching a copy to the door or other noticeable place at the address where the tenant lives (deemed received on the third day after attaching);
- leaving a copy with an adult who apparently lives with the tenant (deemed received on the day it is left).

All other documents may be served or given by any of the methods above or by:

- sending a copy by ordinary mail to the address where the person lives or, if for a landlord, to the address where the person does business as a landlord (deemed received on the fifth day after mailing);
- if the person is a tenant, sending a copy by ordinary mail to a forwarding address provided by the tenant (deemed received on the fifth day after mailing);
- by leaving a copy in a mailbox or mail slot for the address where the person lives or, if for a landlord, the address where the person carries on business as a landlord (deemed received on the third day after leaving it);
- by fax to a number *provided as a service address by the person to be served*. (deemed received on the third day after faxing).

MAKING A REQUEST FOR SUBSTITUTED SERVICE

If a party is, or, anticipates, having difficulty serving documents they may request an alternative method to serve. This may be made, at the time of an application, before or at a hearing, or after a decision or order has been given, subject to any guidelines established by the **Director** or the **Arbitration Rules of Procedure**. Arbitrators will not normally consider a request made at the time an application is made unless there are **extraordinary circumstances** (e.g. the other party lives in another country and registered mail is not available or practical). An arbitrator may grant the request if he/she feels there will be **no prejudice** to the parties and that it will assist in a fair resolution to the dispute. The same criteria will be applied for requests made after the initial application. The person **will have to provide details** as to what steps have been taken to serve and show that the other party is either clearly avoiding, or is not available for, service. The requester must also provide the arbitrator with other possible ways to serve. (e.g. by mail to person's work address)

For more information, call the Residential Tenancy Office's Information Line or visit our Web site. (The phone numbers and Web address are listed on the bottom of page 1.)