

Service of Documents

The Residential Tenancies Act:

- requires that an Application to Director be served by personal service, registered mail or by some form of substituted service;
- requires that an appeal to Small Claims Court be served by personal service, or any other manner of service or substituted service permitted under the *Small Claims Court Act*;
- permits, but does not require, that all other documents, except an appeal to the Small Claims Court, be served by personal service or registered mail.

Reference:

Residential Tenancies Act: Sections 15, 17C; Regulations: Section 25

Details:

There are several documents under the *Residential Tenancies Act* for which service requirements are unclear. They are:

- Notice to Quit;
- Notice of Rent Increase;
- Notice of Entry.

Although the *Residential Tenancies Act* does not prescribe a required method of service for these documents, they are clearly meant to reach the intended recipient. The onus is therefore on the individual intending to serve or deliver the document to be able to prove that service was carried out.

If a party chooses to deliver any of these documents in a way that cannot provide proof of receipt (such as sliding a notice under a door), a Residential Tenancy Officer should entertain arguments from an opposing party that the documents were not received.

Procedure:

Not applicable.