

Substituted Service

The Residential Tenancies Act:

- allows documents to be served using personal service, registered mail or substituted service in the manner prescribed by regulation.

Reference:

Residential Tenancies Act: Section 15; Regulations: Section 25

Details:

Where a party satisfies the Residential Tenancy Officer that they have made reasonable efforts to serve any other party by personal service or registered mail, that person can request an Order for Substituted Service.

Procedure:

If a party has made reasonable but unsuccessful attempts to serve another party, they can request an Order for Substituted Service. Their request must include an affidavit describing at least three attempts that have been made to effect service.

The affidavit can be in the standard form available through the Residential Tenancies program, or can be in any other form acceptable to the Residential Tenancy Officer. The affidavit must be completed by the party that attempted service. This can be the landlord, an agent for the landlord, or a civil constable hired to effect service.

The Residential Tenancy Officer has discretion to decide whether the attempts described in the affidavit are sufficient to warrant an Order for Substituted Service.

If the Officer decides substituted service is appropriate, such an order can be issued at anytime. A new hearing date is not always necessary, especially if an appropriate request for substituted service is made far enough in advance of the original hearing.

Depending on the circumstances, an Order for Substituted Service can require one or several methods of substituted service.