

Alternative Methods of Service

The Residential Tenancies Act:

- Outlines the methods in which an Application to Director must be served.
- Permits the Director to allow an acceptable alternate method of service when a landlord or tenant has made efforts to serve the other party and have been unsuccessful.

Reference:

Residential Tenancies Act: Section 13, 15

Details:

Where a party satisfies the Residential Tenancy Officer that they have made reasonable efforts to serve another party by the methods set out under Section 13 of the Act, that party may request an Order for Alternative Service.

Procedure:

If a party has made reasonable but unsuccessful attempts to serve another party, they can request an Order for Alternative 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 applicant, an agent for the applicant, 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 Alternative Service.

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

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