



Landlord and Tenant Fact Sheet

RTB-119

How to Serve Documents

An important part of any court or dispute resolution process is the requirement that all parties to the dispute receive proper notice of the proceedings and receive copies of all documents and evidence that will be used at the hearing.

The *Manufactured Home Park Tenancy Act* (MHPTA) and the *Residential Tenancy Act* (RTA) both have requirements about how to serve documents and other evidence.

The Residential Tenancy Branch (RTB) also has Rules of Procedure for exchanging documents and evidence. The purpose of these requirements is to make sure that each party has a fair opportunity to review the documents and evidence and decide how they want to respond.

The MHPTA and the RTA have different service requirements for two different types of documents.

Special documents

s. 82 MHPTA and s. 89 RTA

There special documents listed in the MHPTA and RTA are:

- an Application for Dispute Resolution, including the Notice of Hearing letter and any evidence filed with the application.
- a Dispute Resolution Officer's (DRO) Decision to proceed with a review of his or her previous decision.

These special documents must be served in one of the following ways:

- by giving a copy directly to the person (who is served on the date it is given to him or her).
- if the person is a landlord, by leaving a copy with an agent of the landlord (the landlord is presumed to have been served on that day).

- by sending a copy by registered mail to the address where the person lives or, if the person is a landlord, to the address where the landlord carries on his or her business as a landlord (the person is presumed to have been served on the fifth day after mailing).
- if the person is a tenant, by sending a copy by registered mail to a forwarding address that was provided by the tenant (the person is presumed to have been served on the fifth day after mailing).

NOTE: If the document is a landlord's Application for an Order of Possession or an Application to End the Tenancy Early, the landlord has these options for serving the document:

- by attaching a copy to the door or other noticeable place at the address where the tenant lives (tenant is presumed to have been served 3 days after it is attached), or
- by leaving a copy with an adult (19 years or older) who apparently lives with the tenant (tenant is presumed to have been served on the day the document is left).
- in any other way that is ordered by a DRO.

Any other document

s. 81 MHPTA and s. 88 RTA

Any other documents may be given or served in the same ways as "special documents" or in any of the following additional ways:

- 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 (the person is presumed to have been served on the fifth day after mailing).
- if the person is a tenant, by sending a copy by ordinary mail to a forwarding address that

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

#RTB-119(2009/09)

was provided by the tenant (the person is presumed to have been served 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 (the person is presumed to have been served on the third day after the document is left).
- by fax to a number provided as a service address by the person to be served (the person is presumed to have been served on third day after faxing).

NOTE: When serving in any way other than by handing the document directly to a person, you do not count the day the document was mailed, faxed, attached to a door, etc. in figuring out what day the person will be presumed to have been served. For example, if you send documents by ordinary mail on November 1st, the documents are presumed to have been served on November 6th.

No matter which option you choose for service, it is your responsibility to satisfy a DRO or a court that the document was properly served. Be sure to get a receipt from Canada Post for registered mail or a sworn statement from somebody who personally delivered the documents or who witnessed you giving or sending the documents.

Substituted Service

s. 64 MHPTA and s. 71 RTA

Anyone having difficulty serving a document using one of the options under the RTA or MHPTA may apply for an order allowing for the document to be served in a different way. A person making such a request must show that they have made reasonable efforts to serve the documents using one of the options under the RTA or MHPTA and these types of service have not been possible.

For more information ...

Visit the RTB's Web site at www.rto.gov.bc.ca.

Call an Information Officer or listen to our 24 Hour Recorded Information Line:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

Visit the RTB nearest you:

Burnaby: 400-5021 Kingsway

Victoria: 1st Floor, 1019 Wharf Street

Kelowna: 305-478 Bernard Avenue

RTB Burnaby, Victoria and Kelowna are open 8:30 a.m. to 4:30 p.m., Monday to Friday.

All RTB offices are closed on statutory holidays.

If there is no RTB in your area, you can get residential tenancy guides, fact sheets and forms online at www.rto.gov.bc.ca or at any Service BC—Government Agents Office.