

RTDRS DOCUMENT SERVICE

Residential Tenancy Dispute Resolution Service (RTDRS)

When you file your application with the RTDRS, you will receive a *Notice of Hearing* form that gives the date, time and location of the hearing. The filed application form and evidence, plus the *Notice of Hearing* are called the "application package."

The next step is to give a copy of the entire application package to the respondent(s). The legal words for giving the application package to the respondent(s) are "service" and "serve."

You must serve the application package on the respondent(s) at least 3 clear days before the hearing date. The date of service, date of hearing, weekends and holidays are not counted as part of these days. For example, if your hearing is scheduled for Tuesday, service must be completed no later than the previous Wednesday.

You should serve a copy of the application package on each respondent. You are allowed to serve one respondent with all copies of the application package. For example, if there are 3 respondents, 3 application packages can be served on 1 of the respondents.

Landlords may serve documents in these ways:

1. You may serve the tenant(s) or non-tenant occupants **personally**. When serving personally, you must make several attempts to give the application package to the tenant(s). These service attempts should be at different times throughout the day(s) and evening(s) if necessary. Keep a note of the dates, times and locations of your attempted personal service for use when filling out the *Affidavit of Service by Landlord* form.

2. You may serve the tenants(s) or non-tenant occupants by **registered mail**. When serving by registered mail use the address of the residential premises and keep all receipts and tracking numbers. Service is completed on the date the respondent signs for the registered mail. You will need this information to fill out the *Affidavit of Service by Landlord* form.

3. If you believe based on your numerous personal service attempts and/or other information that the tenant(s) is:

- evading service and/or
- absent from the premises

you may:

* **serve an adult** (18 years of age or older) who appears to live with the tenant or

* **post the application package(s)** in plain sight on the rental premises, usually on the door used most often by the tenant(s). You must post a copy of the application package for each tenant named as a respondent.

4. If the tenant is a corporation, the application package may be served at the **registered office address** of the corporation as shown on a corporate registration search (available at Registry offices).

Tenants may serve documents in these ways:

1. You may serve the landlord(s) **personally**. If you are unable to serve them on your first attempt, you must try several more times to give the application package to the landlord(s). Keep a note of the dates, times and locations of your attempted personal service for use when filling out the *Affidavit of Service by Tenant* form.

2. You may serve the landlord(s) by **registered mail** at the address where you pay rent or the address in the *Notice of Landlord* that was given to you or posted at the rental premises by the landlord(s). Keep all receipts and tracking numbers. Service is completed on the date the landlord(s) receives the registered mail. You will need this information to fill out the *Affidavit of Service by Tenant* form.

3. If the landlord is a corporation, you may serve the application package at the **registered office address** of the corporation as shown on a corporate registration search (available at Registry offices). Service can be personal or by registered mail.

What if I cannot serve the respondent by the methods listed above?

If the tenant no longer lives at the residential premises, posting documents on the premises may not be considered proper service. You can still serve the tenant in person at any location. You can also attempt service by registered mail to the tenant's last known address (the residential premises).

If you have not been successful after several reasonable attempts to serve the respondent(s), you can apply to the RTDRS to serve the documents another way. This is called "substitutional service." You must complete a *Substitutional Service Affidavit* form in which you list your attempts at

P: Toll free 310-0000 then 780-644-3000

W: www.rtdrs.alberta.ca E: rtdrs@gov.ab.ca

A: Unit 112, 10025-102A Avenue NW, Edmonton, Alberta T5J 2Y8

A: Main Floor, Rocky Mountain Plaza, 180 - 615 Macleod Trail SE

Calgary, Alberta T2G 4T8

 Alberta Government

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service, request approval to serve another way and explain why you believe it will work. A Tenancy Dispute Officer will review the affidavit and make a decision on the request.

The *Substitutional Service Affidavit* form is available on the RTDRS website or at the RTDRS offices in Edmonton and Calgary. Take the completed *Substitutional Service Affidavit* to a Commissioner for Oaths. The RTDRS has Commissioners available in our offices if you are in Edmonton or Calgary. If you filed your application by fax, you must have the affidavit commissioned by a Commissioner for Oaths and faxed to the RTDRS.

Who decides if service is proper?

The Tenancy Dispute Officer decides whether the documents were served properly.

What if an urgent situation requires a hearing earlier than in 3 clear days?

In cases of significant damage to the rental premises or assault or threats of assault, you may apply to reduce the notice period to the respondent. The legal word for reducing the notice period is "abridgement." You must complete an *Abridgement Affidavit* form and provide evidence to support your request. A Tenancy Dispute Officer will review the affidavit and make a decision about the request. Only the most serious cases will be given an abridgement of service.

The *Abridgement Affidavit* form is available on the RTDRS website or at the RTDRS offices in Calgary and Edmonton. Take the *Abridgement Affidavit* form to a Commissioner for Oaths. The RTDRS has Commissioners available in our offices if you are in Edmonton or Calgary. If you filed your application by fax, you must have the affidavit commissioned by a Commissioner for Oaths and faxed to the RTDRS.

After service is completed:

1. The person who served the documents must complete the *Affidavit of Service* form. If you use a process server to deliver the documents, they must complete the form. Landlords fill out the *Affidavit of Service by Landlord* form. Tenants fill out the *Affidavit of Service by Tenant* form. You can find these forms on the RTDRS website.

2. The *Affidavit of Service* must be sworn or affirmed. Take the *Affidavit of Service* form to a Commissioner for Oaths. The RTDRS has Commissioners available in our offices if you are in Edmonton or Calgary. This can be done before or on the day of the hearing.

3. If the application package was served by registered mail, give the Commissioner the postal receipt with the tracking number and the *Signature of Certificate of Delivery Confirmation* document. This document can be obtained through a Canada Post office or their website.

4. You must file the *Affidavit of Service* with the RTDRS before or on the day of the hearing. If you filed your application by fax, you must fax the *Affidavit of Service* to the RTDRS before the hearing. Applications by fax are available in certain areas of Alberta. Please see our website for more information.

What if I want to file documents related to the case that are not in the application package?

Respondents have two choices: they can defend against the application or they can file a counter-application. If you choose to defend against the application, you must serve your documents on the applicant and the RTDRS at least 24 hours before the hearing.

If you choose to file a counter-application the service methods are the same as for a new application. See the *Counter-Application* tips for more information.

Applicants can file additional evidence by serving it on the RTDRS and the respondent(s) at least 24 hours in advance of the hearing.

What methods of service are not accepted?

The only methods of service accepted by the RTDRS are listed above. The RTDRS does not accept service by regular mail or by placing documents in mailboxes, under doors or inside of rental premises unless a Tenancy Dispute Officer approves that method.

For further information on the RTDRS, please visit our website at www.rtdrs.alberta.ca. Click on *Rules of Practice and Procedure* for full details on how the RTDRS works.

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