

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, together with the Notice of Hearing, are referred to as 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 of the application package on the respondent(s) must be completed no later than the previous Wednesday.

You must serve a copy of the application package on each respondent.

Landlords may serve documents in these ways:

- As per the Administrator’s directive pursuant to authority in section 31(b) of the RTDRS Regulation, parties to any RTDRS application are permitted to effect service by way of email as long as the parties have previously communicated by email, or the parties previously agreed to communicate by email, and the party serving notice is able to demonstrate to the Tenancy Dispute Officer that the email was delivered, such as with a reply, a read receipt or verifying software.
- You may serve the tenant(s) or non-tenant occupants personally. When serving personally, you must make several attempts to

give the documents 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 Declaration of Service by Landlord form.

- You may serve the tenants(s) or non-tenant occupants by registered mail. When serving by registered mail use the address of the rented residential premises and keep all receipts and tracking numbers. Service is completed on the date the tenant/respondent signs for the registered mail. You will need this information to fill out the Declaration of Service by Landlord form.
- If you have been unsuccessful in serving the tenant(s) and believe, based on available information, that the tenant(s) is:
 - evading service and/or
 - absent from the premisesyou may:
 - serve an adult (18 years 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.
- 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:

- As per the Administrator's directive pursuant to authority in section 31(b) of the RTDRS Regulation, parties to any RTDRS application are permitted to effect service by way of email as long as the parties have previously communicated by email, or the parties previously agreed to communicate by email, and the party serving notice is able to demonstrate to the Tenancy Dispute Officer that the email was delivered, such as with a reply, a read receipt or verifying software.
- 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 Declaration of Service by Tenant form.
- 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)/respondent receives the registered mail. You will need this information to fill out the Declaration of Service by Tenant form.
- 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 can't 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. Alternatively, you can attempt service by registered mail to the tenant at a different residence address as long as the tenant signs for the registered mail, acknowledging it has been received.

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 in another way. This is called "substitutional service." You must complete a Declaration in Support of Substitutional Service form in which you list your attempts at service, request approval to serve in another way and explain why you believe the other way will be effective. A Tenancy Dispute Officer will review the Declaration and make a decision on the request.

The Declaration in Support of Substitutional Service form is available on the RTDRS website or at the RTDRS offices in Edmonton and Calgary.

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 3 clear days?

In cases where a landlord needs to terminate the tenancy urgently as a tenant has done or permitted significant damage to the rental premises or assaulted or threatened to assault the landlord or another tenant, the landlord may apply to reduce the notice period to the tenant(s), referred to as an "abridgement of service". The landlord must complete a Declaration in Support of an Abridgement of Service form and provide evidence to support

the request. A Tenancy Dispute Officer will review the Declaration and make a decision about the request. Only the most serious cases will be given an abridgement of service.

The Declaration in Support of an Abridgement of Service form is available on the RTDRS website or at the RTDRS offices in Calgary and Edmonton.

After service is completed:

- The person who served the documents must complete the Declaration of Service form, as their signature verifies the information provided on the form is true and accurate. If you used a process server to serve the documents, the process server must complete the form. Landlords fill out the Declaration of Service by Landlord form. Tenants fill out the Declaration of Service by Tenant form. You can find these forms on the RTDRS website.
- If the documents were served by registered mail, you must attach the postal receipt with the tracking number and the Signature of Certificate of Delivery Confirmation document to the declaration. This document can be obtained through a Canada Post office or their website.
- Prior to the hearing, file the Declaration of Service using the RTDRS eFiling Service. by going to www.rtdrs.alberta.ca and signing in to your RTDRS account. Once you have signed in, click on MY CASES to upload and submit your Declaration of Service.

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 defence evidence 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 has pre-approved that method of service.

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