

# Application for Substituted Service

*Residential Tenancies Act 2018 - Section 42(5)*

## Instructions

- Each respondent named in the application must be served individually with the copy of the application at least 10 days before the date of the hearing to ensure each respondent is aware of the application and what the hearing is about.
- The application and notice of hearing may be served on each respondent by the following methods:
  - giving it personally to the other party;
  - sending it to the other party by prepaid registered mail or prepaid express post at an address provided by the other party;
  - sending it electronically where
    - it is provided in the same or substantially the same form as the written notice or document,
    - the other party has provided an electronic address for receipt of documents, and it is sent to that electronic address; or
    - sending it to the other party by courier service at an address provided by the other party.
- Substituted methods of service will only be approved where the applicant has made reasonable attempts to locate and serve the respondent and where there is a reasonable probability that substituted service will result in the document(s) being served successfully. The applicant is required to provide documentation to verify that reasonable attempts have been made to serve the document(s) by the methods identified in legislation.
- Where service is attempted by registered mail or express post but is not successful, the server is required to attach to the Application for Substituted Service a copy of the tracking report identifying the date and time the document(s) was sent as well as date and time the document successfully delivered.
- It is the applicant's responsibility to ensure sufficient time is provided for a respondent to receive the document(s) not less than 10 days before the scheduled hearing date.
- Some examples of substituted service methods include:
  - Giving the documents to an adult person who apparently lives with the respondent;
  - Posting the document(s) in an obvious place on the respondent's premises; or
  - Placing the document(s) in the mailbox or slipping it under the door of the respondent's premises.

## Access to Information and Protection of Privacy

- Service NL collects personal information relating to landlords and tenants under the authority of the Residential Tenancies Act, 2018. Personal information collected by the Government of Newfoundland and Labrador is protected under Section 40(1) of the Access to Information and Protection of Privacy Act, 2015. If you require more information please contact the Director of Residential Tenancies at (709) 729-2660.

# Application for Substituted Service

Residential Tenancies Act 2018 - Section 42(5)



Applicant's Declaration	
Application No. _____	Hearing Date: _____
BETWEEN Applicant _____ (name)	<input type="checkbox"/> Landlord <input type="checkbox"/> Tenant
AND Respondent _____ (name)	<input type="checkbox"/> Landlord <input type="checkbox"/> Tenant
I, _____ of _____ (print name) (street name and #, town, province, postal code)	
Declare that I have made attempts to serve the respondent _____ With a TRUE COPY of the following: (check applicable box)	
<input type="checkbox"/> Application & Notice of Hearing	<input type="checkbox"/> Order and Decision <input type="checkbox"/> Other _____
<input type="checkbox"/> Notice of Re-scheduled Hearing	<input type="checkbox"/> Certified Order
by the following methods without success: (check applicable box)	
<input type="checkbox"/> Personally to party named above	<input type="checkbox"/> Personally to company official named below
<input type="checkbox"/> Electronically*	<input type="checkbox"/> Prepaid Express Post
<input type="checkbox"/> Prepaid Registered Mail	<input type="checkbox"/> Courier Service
<input type="checkbox"/> Substituted Service (attach order)	
(The applicant is required to provide documentation to verify that reasonable attempts have been made to serve the document(s) by the methods identified in legislation.)	
I request approval to serve the above noted document(s) by the following alternative methods which I believe will be successful for the reasons outlined below:	
Proposed Method	Reason
Applicant's Signature _____	Date (month day, year) _____
<b>SWORN OR AFFIRMED</b> before me at (location) _____ in the province of Newfoundland and Labrador on (month day, year) _____	
_____ Justice of the Peace, Notary Public, Commissioner for Oaths	