



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes: MNDC, MNR, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Manufactured Home Park Tenancy Act* (the “Act”) to hear this matter and decide the issues.

I reviewed the evidence provided by the Landlord prior to the Hearing. The Landlord's agent gave affirmed evidence.

Issue(s) to be Decided

This is the Landlord's application for a monetary order for unpaid rent; a monetary order for damage to the rental unit; and to recover the cost of the filing fee from the Tenant.

Preliminary Issue

The Landlord's agent testified that the Tenant vacated the rental property on May 31, 2007, without leaving a forwarding address. The Landlord's agent stated that a skip tracer, employed by the Landlord, found a phone number on-line for the Tenant. The Landlord's agent stated that, according to her file, on March 8, 2008, the Tenant was telephoned and provided her address. The Landlord's agent stated that on March 27, 2009, the Landlord's agent mailed the Tenant the Notice of Hearing documents, via registered mail, to the address noted in her file. The Tenant did not appear at the Hearing.

The skip tracer was not available to give affirmed evidence with respect to service of the Notice of Hearing documents upon the Tenant at the Tenant's current address. The skip tracer did not provide Affidavit evidence with respect to how he or she determined the Tenant's current address. Therefore, the Landlord has not proven that the Tenant was served with the Notice of Hearing Documents in accordance with the Act, and I dismiss the Landlord's application.

Conclusion

The Landlord's application is dismissed with leave to re-apply.

June 23, 2009
