



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR, FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 54 of the *Manufactured Home Park Act* (the "Act"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession, a monetary order and filing fee costs.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 4, 2010, the landlord personally served the tenant with the Notice of Direct Request Proceeding at 11:45 a.m. at an address that is not identified as the service address indicated on the Application. The landlord also provided a copy of a Canada Post receipt and tracking number for registered mail sent to the tenant's service address on February 5, 2010.

The landlord has also named a respondent who he identifies as both the owner of the manufactured home and, on the Application schedule of parties, as a previous tenant.

The landlord has submitted a letter indicating that the tenant is not currently residing in the manufactured home, but is incarcerated in the United States.

Based on the written submissions of the landlord, I find the tenant has not been sufficiently served with Notice of this proceeding. I also find that the landlord has failed to serve the respondent identified as both the manufactured home owner and as a previous tenant.

From the evidence before me it appears that the landlord is attempting to evict a tenant, who has signed an agreement as a home owner who is renting a pad from the manufactured home park. However, according to evidence submitted by the landlord, the tenant does not appear to be the registered owner of the home. The individual named as the owner of the home has not been served with Notice of this Proceeding. In the absence of proof of service to the individual identified in this Application as the owner of the manufactured home I find that this Application is dismissed with leave to reapply.

The landlord is at liberty to make another Application for Dispute Resolution.

Conclusion

In the absence of proof of service to the registered owner of the manufactured home, the respondent also named as a previous tenant, I have dismissed with Application with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 15, 2010.

Dispute Resolution Officer