



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      OPR, MNR, FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The landlord testified that he served the tenant by posting the application for dispute resolution and notice of hearing on the door of the manufactured home. The landlord testified that despite frequent visits, neither he nor the tenant's neighbours have seen the tenant for several months and that although he has visited the site every day since posting the aforementioned documents, the documents have not been removed from the door. The landlord believes that the tenant has not been back to the site for a significant period of time.

While usually documents served by posting are deemed received 3 days after posting, in this case the landlord acknowledged that the tenant has not received the documents and could not have as he apparently has not been at the rental unit since they were posted. I find that the deemed service has been rebutted and I find that the tenant was not served with notice of the claim or hearing. The landlord's claim is dismissed 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 *Manufactured Home Park Tenancy Act*.

Dated: February 03, 2011

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Residential Tenancy Branch