



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNDC, OLC, ERP, RP, PSF, RR

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation for loss under the Act, regulation or Tenancy agreement - Section 60;
2. An Order for the Landlord to comply with the Act - Section 55;
3. An Order for the Landlord to make emergency repairs for health or safety reasons - Section 26;
4. An Order for the Landlord to make repairs to the site – Section 26;
5. And Order for the Landlord to provide services or facilities required by law – Section 58; and
6. An Order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided – Section 58.

The Tenant appeared at the Hearing. The Landlord did not appear. The Tenant stated at the hearing that she served the application for dispute resolution and hearing package on March 14, 2011 by leaving a copy at the on-site combined office and residence of the property manager who acts as the Landlord. The Tenant states that the Landlord was not present when she left the copy.

Section 82(1) of the Act requires a tenant to serve a copy of the application for dispute resolution to a landlord either *in person* or *by registered mail* to the address at which the landlord resides or carries on business. In this case, the Tenant left a copy at the Landlord’s combined office and residence while the Landlord was not present and did

not give it personally to the landlord. As a result, I find that service of the application and notice of hearing was not done in accordance with the Act. Accordingly, I dismiss the Tenant's 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: March 31, 2011.

Residential Tenancy Branch