



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OP, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that a copy of the Application for Dispute Resolution and Notice of Hearing was sent to the tenant via registered mail at the address noted on the Application, on August 5, 2011. A Canada Post tracking number was provided as evidence of service. The landlord stated that the mail was returned by Canada Post as unclaimed.

The landlord testified that by July 16, 2011, the tenant had vacated his manufactured home and that prior to this date the tenant had told the landlord that he would not return and the landlord would have to deal with the home. I determined that the documents were sent to an address where the tenant no longer resides.

In the absence of evidence of service of the Notice of hearing package to the tenant, I found that the hearing could not proceed and dismissed the application with leave to reapply.

Conclusion

This application 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 55(1) of the *Manufactured Home Park Tenancy Act*.

Dated: September 01, 2011.

Residential Tenancy Branch