



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O AARI

Introduction

This proceeding was conducted by way of written submission in consideration of the landlord's Application for an Additional Rent Increase (AARI). In making this application the landlord has indicated there are 50 rented sites in the manufactured home park; however, the tenants that have agreed to the rent increase are not named in the AARI. This decision, therefore, names only those tenants who had not agreed to the rent increase, as identified by the landlord on the AARI.

By way of a Notice of Hearing dated August 11, 2011 the landlord was instructed to serve all of the named tenants with a copy of the landlord's application, the Notice of Hearing, and the landlord's supporting documents. The landlord was provided Confirmation of Service documents to complete and submit the Residential Tenancy Branch.

Upon review of the landlord's proof of service of the hearing documents, I was not satisfied the tenant of site #34 had been served based upon the following: The landlord had submitted a registered mail receipt indicating the tenant of site #34 was sent the hearing documents by registered mail addressed to site #35. A search of the registered mail tracking information showed the registered mail was undeliverable and returned to the landlord August 19, 2011. On September 16, 2011 and September 19, 2011 the landlord confirmed that no additional information or evidence was being submitted by the landlord.

I issued a letter to the landlord October 25, 2011 advising the landlord that the proceeding had been adjourned to provide the opportunity to serve the tenant of site #34. The landlord was required to serve the named tenant of site #34 with the hearing package that was returned by Canada Post, along with a copy of my letter dated October 25, 2011, within three days of receiving the letter. The landlord was required to complete a Confirmation of Service that was enclosed with the letter and return it to the Residential Tenancy Branch no later than November 8, 2011.

On November 3, 2011 the landlord provided a Confirmation of Service for site #34; however, the landlord identified the person that received the documents was not the tenant named in the AARI. I further noted that the Confirmation of Service was inconsistent as to when service upon this person occurred: September 23, 2011 is listed on the first page and August 23, 2011 on the second page. The landlord did not provide any evidence, such as a tenancy agreement, to indicate the person who received the hearing package was a tenant of site #34. Nor did the landlord provide evidence that the tenant was given a copy of my October 25, 2011 letter, as required.

In order to proceed with considering the merits of an AARI, the landlord must prove that each named tenant have been served in a manner that complies with the Act and Rules of Procedure. Section 82(1) provides for ways the landlord may serve an AARI. If registered mail is used the registered mail must be sent to the address at which the respondent resides. If personal delivery is used the landlord must give the application to the respondent. Section 82(1) also provides that the Director may order that a document must be served in a manner the Director considers necessary.

Based upon all of the above, I find I am not satisfied the landlord served all of the named tenants in a manner that complies with section 82(1) of the Act. Therefore, I dismiss the landlord's application with leave to reapply.

Conclusion

The landlord's application has been dismissed with leave to reapply as I was not satisfied that all of the named tenants were sufficiently served with the landlord's application.

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: November 30, 2011.

Residential Tenancy Branch