



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, ET, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The landlord amended the claim to withdraw the claim for a monetary order and proceeded solely with the claim for an order of possession.

### Issue to be Decided

Have the tenants been properly served with the application for dispute resolution and notice of hearing?

### Background and Evidence

The landlord testified that the tenants are a man and wife. The female tenant has not lived in the rental unit for approximately 3 years and the male tenant moved to a care facility in 2011 and passed away shortly thereafter. The manufactured home has sat empty for a considerable period of time.

The landlord testified that she served the application for dispute resolution and notice of hearing by sending it to the tenants at the manufactured home site via registered mail.

### Analysis

Section 82(1)(c) and (d) of the Act allow for registered mail as a means of service, but require that the mail be sent to either the address at which the tenant resides or to a forwarding address provided by the tenant.

As the male tenant is deceased, any action taken against him must be made in the name of the estate and service must be effected on the appointed executor or administrator of the estate. I find that service on the deceased tenant himself at the manufactured home site is not effective service under the Act.

As the female tenant has not resided at the rental unit for the last 3 years, I find that service on her at the manufactured home site is not effective service under the Act.

Conclusion

I find that the female respondent and the estate of the male respondent have not been properly served with notice of the claim against them and I dismiss the claim 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: May 03, 2012

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Residential Tenancy Branch