



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 requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord did not supply any evidence in support of the application.

The landlord provided affirmed testimony that there is not a signed tenancy agreement and that he obtained the name of the home-owner by checking with a government land title registry office.

The landlord said that the respondent named on the application is the person who is registered as the owner of the manufactured home.

The landlord stated that the person named as a respondent has not been seen at the home for approximately 4 months but that other people appear to be occupying the unit.

The landlord posted a copy of the Application for Dispute Resolution and Notice of Hearing to the manufactured home door on June 3, 2013 at approximately 6 p.m. Another tenant of the Park was present as a witness.

In the absence of evidence confirming the home owner name, evidence that the owner of the home has a tenancy agreement with the landlord, in the absence of a record of any past rent payments made, or any other evidence I determined that service of Notice of the hearing could not be proven. I had no confidence that the person named as a respondent is the home owner who has a tenancy agreement with the landlord.

The landlord was informed that an application requesting a monetary Order may only be served to a respondent via personal delivery or registered mail to the address where the tenant resides.

Even if service had been proven for the purposes of an Order of possession the landlord failed to supply any evidence; a copy of a Notice ending tenancy was not submitted.

Therefore, I find that the application is dismissed with leave to reapply.

The landlord's first language is not English and communication was difficult. I strongly urged the landlord to obtain advice and that he consider bringing an assistant to any future hearing.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 26, 2013

Residential Tenancy Branch

