



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mulberry Developments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded by way of Direct Request Proceeding, pursuant to section 48 of the *Manufactured Home Park Tenancy Act* (the “Act”), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declared that on July 25, 2013, the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail. It was noted on the registered mail receipt that the registered mail was sent to the tenant with the address stated as “General Delivery”.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Is the landlord entitled to a monetary Order for unpaid rent?

Analysis and conclusion

The *Manufactured Home Park Tenancy Act* provides by section 82 that an application for dispute resolution must be given to a tenant by leaving a copy with him or by sending a copy to the tenant at the address where he resides. The landlord sent the

documents to the tenant addressed to “General Delivery” at the post office, not to an address where the tenant resides. According to postal records the mail has not been picked up and I find that the landlord has not served the tenant with the application and Notice of Direct Request Proceeding as required by the *Manufactured Home Park Tenancy Act*. The landlord's application is therefore dismissed with leave to reapply. If the landlord wishes to proceed with another application he will have serve the tenant by another means, such as personal service.

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: July 26, 2013

Residential Tenancy Branch

