



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Green Mountain Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This non-participatory matter was conducted by way of a direct request proceeding, pursuant to 48(4) 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 for the manufactured home site due to unpaid rent and for a monetary order for unpaid rent based upon a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”).

Evidence and Analysis

The landlord submitted a tenancy agreement signed by a tenant who is now deceased.

Other documents submitted by the landlord include a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued to the estate of the deceased tenant, and proof that their application for dispute resolution and notice of the direct request proceeding were served upon the estate of the deceased tenant.

What the landlord did not file was proof that there had been an estate established for the deceased tenant, and if so, who was named as the executor or administrator; instead the landlord submitted an undated email from an attorney stating that a daughter of the tenant had applied to be appointed an administrator, a process which could take up to two months to conclude.

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is proof that the accurate respondent is named and notified of the procedure.

In the case before me, the original tenant was deceased and there was no proof that the matter of the estate of the deceased had been decided. I therefore had no proof that the landlord served the proper party with notice of the direct request proceeding.

I therefore find the landlord's application for dispute resolution to be deficient as required by the Act and I therefore I dismiss the landlord's application with leave to reapply.

The landlord should not apply for a direct request proceeding unless all documents are prepared in accordance with the Act and Regulations, which would include proof of the finalization of the appointment of an administrator for the estate. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes a participatory hearing.

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: September 23, 2013

Residential Tenancy Branch

