



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, O

Introduction and Preliminary Matters

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for money owed or compensation for damage or loss and for other unspecified relief.

I note that the tenant marked on her application for dispute resolution that this dispute was under the *Manufactured Home Park Tenancy Act*; however the evidence and testimony shows that the tenancy involved renting a manufactured home within a manufactured home park and not the pad site. I therefore determined that this dispute fell under the jurisdiction of the Residential Tenancy Act.

The tenant attended the telephone conference call hearing; the landlord did not attend.

The tenant testified that she served the landlord with her Application for Dispute Resolution and Notice of Hearing (the Hearing Package) by serving the documents via registered mail to the landlord's last known address, which is actually the dispute address.

The tenant submitted that the landlord, however, was not the last occupant of the rental unit prior to the tenant moving into the rental unit for a few days.

Analysis and Conclusion

Section 89(1) of the Residential Tenancy Act requires that an application for dispute resolution, which includes the Notice of Hearing, be served upon the respondent (the landlord in this case) leaving it with the person, if the person is a landlord, by leaving a copy with an agent of the landlord or by registered mail to the address at which the person resides, or if a landlord, to the address at which the person carries on business as a landlord.

In the case before me I find that the tenant failed to provide sufficient evidence that the address she used for service of her Hearing Package was the landlord's current address at which he resided.

I therefore find the tenant submitted insufficient evidence that she served the landlord her application for dispute resolution and notice of this hearing in a manner required by the *Act*. I therefore dismiss the tenant's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

This decision 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: February 11, 2014

Residential Tenancy Branch

