



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Roysor Enterprises Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid pad rental pursuant to section 48; and
- a monetary order for unpaid pad rental pursuant to section 60.

The tenant did not attend this hearing, although I waited until 9:42 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

At the hearing, the landlord's male representative (the landlord) testified that the landlord's dispute resolution hearing package was sent to the tenant by registered mail. At first, he maintained that this happened on March 12, 2014, and gave the Canada Post Tracking Number, which had been entered into written evidence by the landlord. The landlord's application for dispute resolution was dated March 25, 2014, was not received by the Residential Tenancy Branch (the RTB) until March 27, 2014, and the Notice of a Dispute Resolution Hearing was created by the RTB on March 27, 2014. As this Notice of Hearing would have needed to have been included with the landlord's dispute resolution hearing package, the landlord's dispute resolution hearing package could not possibly have been sent on March 12, 2014, as initially declared by the landlord.

Although the landlord and his assistant searched for the Canada Post records to show when the landlord's hearing package was sent to the tenant, they could not locate this information. The landlord said that he was no longer certain as to whether the dispute resolution hearing package had been sent to the tenant. In the absence of any information as to when the hearing package was sent to the tenant and proof in the form of a Canada Post Tracking number to confirm that it was sent by registered mail, I find that the landlord has not satisfied the requirements of section 89 of the *Act* to demonstrate that service of the landlord's application and Notice of Dispute Resolution

Hearing has been sent to the tenant. As I am not satisfied that the tenant was properly served with the landlord's application for dispute resolution in accordance with the *Act*, I dismiss the landlord's application with leave to reapply.

Conclusion

The landlord's application for dispute resolution is dismissed 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 23, 2014

---

Residential Tenancy Branch

