



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PLAZA RV PARK  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes

OPR, MNR, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the fee for filing this Application for Dispute Resolution.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent?

### Background and Evidence

The Agent for the Landlord stated that on September 22, 2014 the Application for Dispute Resolution and Notice of Hearing were sent to the Tenant at the service address noted on the Application, via registered mail. She stated that the package was unclaimed and was returned to the Landlord on October 10, 2014.

The Agent for the Landlord stated that in July of 2014 the Tenant's mother provided the Landlord with a mailing address for the Tenant, which is the service address noted on the Application for Dispute Resolution. The Agent for the Landlord stated that on July 15, 2014 the Landlord sent mail to the Tenant at this service address, via registered mail, which was not returned to the sender. She stated that on August 05, 2014 the Landlord sent mail to the Tenant at this service address, via registered mail, which was unclaimed and returned to the sender.

The Agent for the Landlord stated that she has not been to the service address and she cannot confirm that the Tenant was, or is still, living at the service address.

### Analysis

I find that there is insufficient evidence to show that the Tenant was living at the service address when the Application for Dispute Resolution was mailed on September 22, 2014. While I accept that the Tenant's mother provided the Landlord with a mailing address for the Tenant in July of 2014, I find it possible that it was simply a mailing address and not the Tenant's place of residence. I also find it possible that the even if the Tenant was living at that address in July of 2014, he has moved from that address, which may explain why he did not claim the registered mail that was sent to that address in August and September of 2014.

I therefore find that I have insufficient evidence to conclude that the Tenant was served with the Application for Dispute Resolution and I am unable to proceed with the hearing in the absence of the Tenant. The Application for Dispute Resolution is dismissed with leave to reapply.

### Conclusion

The Landlord retains the right to file another Application for Dispute Resolution.

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: November 08, 2014

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Residential Tenancy Branch

