



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LOMBARDY MANAGEMENT LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes:

OPR, MNR, MNSD, MNDC, 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, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, 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; to a monetary Order for unpaid rent, lost revenue, and/or late fees, and to keep all or part of the security deposit?

### Background and Evidence

The Property Manager stated that the Application for Dispute Resolution and the Notice of Hearing were personally served to the Tenant's brother, who lives at the rental unit and is an adult.

The Property Manager was advised that when a landlord applies for an Order of Possession the Application for Dispute Resolution must be served to a tenant in accordance with section 82(1) of the *Manufactured Home Park Tenancy Act (Act)*. Section 82(1) of the *Act* stipulates, in part, that a landlord must serve a tenant with an Application for Dispute Resolution in one of the following ways:

- (a) by leaving a copy with the person;
- (c) by sending a copy by registered mail to the address at which the person resides;
- (d) by sending a copy by registered mail to a forwarding address provided by the tenant;  
or
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

The Property Manager was advised that I was unable to proceed with the Landlord's application for an Order of Possession, as the Application for Dispute Resolution was not served in accordance with section 82(1) of the *Act*.

The Property Manager was advised that when a landlord applies for a monetary Order the Application for Dispute Resolution must be served to a tenant in accordance with section 82(2) of the *Act*. Section 82(2)(c) of the *Act* authorizes a landlord to serve an Application for Dispute Resolution by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant.

The Property Manager was advised that I was able to proceed with the Landlord's application for a monetary Order, as the Application for Dispute Resolution was served in accordance with section 82(2) of the *Act*.

The Property Manager was provided with the opportunity to either withdraw the Application for Dispute Resolution or to proceed with the application for a monetary Order, with the understanding that the Order of Possession would not be considered at this hearing. The Property Manager opted to withdraw the Application for Dispute Resolution

#### Analysis

I find this Application for Dispute Resolution has been withdrawn.

#### Conclusion

As the Application for Dispute Resolution has been withdrawn, 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 *Residential Tenancy Act*.

Dated: February 04, 2015

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Residential Tenancy Branch

