



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HYGGE HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

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 rent pursuant to section 48.

The tenant did not attend this hearing, although I waited until 1128 in order to enable the tenant to connect with this teleconference hearing scheduled for 1100. The landlord's agent attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Dispute Resolution Package

The landlord's agent testified that the landlord served the tenants with the dispute resolution package on 20 March 2015 by registered mail. The landlord provided me with a Canada Post customer receipt.

The tenant did not appear. The agent testified that the tenant had not been living in the rental unit for years. The agent testified that the tenant's daughter said that she had power of attorney, but later denied having power of attorney. The agent testified that he believes that the tenant is residing in a medical care facility. The agent testified that the tenant's daughter signed for the registered mailing.

Service of the dispute resolution package seeking an order of possession must be carried out in accordance with section 82(2) of the Act:

- (2) An application by a landlord under section 48 [*order of possession for the landlord*], ... must be given to the tenant in one of the following ways:
 - (a) by leaving a copy with the tenant;
 - (b) by sending a copy by registered mail to the address **at which the tenant resides**;

- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) by attaching a copy to a door or other conspicuous place **at the address at which the tenant resides**;

As the tenant was not served at the address at which she resides in accordance with the Act, I informed the agent at the hearing that the landlord's application was dismissed with leave to reapply.

As discussed at the hearing, the landlord may find *Residential Tenancy Policy Guideline*, "12. Service Provisions" helpful in any subsequent application. Further, the landlord may wish to consider seeking an application for substituted service pursuant to section 64 of the Act in the event the landlord is unable to find a residential address for the tenant.

The landlord may wish to review the service provisions of section 81 as similar problem exists with service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

Conclusion

The landlord's application is dismissed without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: April 27, 2015

Residential Tenancy Branch

