



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0868732 BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated February 15, 2016 and for a monetary award for unpaid rent and late fees.

The tenant did not attend the hearing within ten minutes after its scheduled start time.

The landlord's representatives were unable to show that the tenant has been duly served with the application and notice of hearing for this matter.

Ms. M. for the landlord confirms that the tenant was served with the application by registered mail addressed to the manufactured home site. Canada Post records show that the mail went "unclaimed by recipient."

Section 82(1)(c) of the *Manufactured Home Park Tenancy Act* (the "Act") provides that a landlord may serve a tenant with an application by registered mail "to the address at which the person resides."

These same parties were before me yesterday with the landlord seeking identical relief regarding a different site in the same park. Service of that application was made by registered mail at the same time as the mailing of the present application. The tenant did not attend that hearing either. The landlord's representatives gave sufficient evidence to show that the tenant was residing at that site at the time the application was served.

I cannot ignore that finding. It makes it difficult to prove that the tenant was residing somewhere else in the same park at the same time.

The landlord has not proved that the application and notice of hearing were served on the tenant by registered mail to the address at which the tenant resided at the time.

The application is therefore dismissed, with leave to re-apply.

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: April 29, 2016

Residential Tenancy Branch