



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

Pursuant to section 51 of the *Manufactured Home Park Tenancy Act* (“*Act*”), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- an Order of Possession for unpaid rent or utilities, pursuant to section 48;
- a monetary order for unpaid rent or utilities, pursuant to section 60; and
- authorization to recover the filing fee for this application, pursuant to section 65.

The tenant did not attend this hearing, which lasted approximately 12 minutes. The landlord’s agent, BR (“landlord”) attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he is the temporary manager and that he had authority to speak on behalf of the landlord named in this application at this hearing.

### Preliminary Issue – Service of Landlord’s Application

The landlord testified that he did not know the date or method by which the tenant was served with the landlord’s application for dispute resolution hearing package (“Application”). The landlord spent 10 minutes during this hearing searching for evidence of service.

As per section 52(3) of the *Act*, the landlord is required to serve the Application upon the tenant within three days of making it. During the hearing, the landlord could not confirm a date or method of service under section 82 of the *Act*. Therefore, I find that the tenant was not served with the landlord’s Application as required under the *Act*.

At the hearing, I advised the landlord that the Application to recover the \$100.00 filing fee was dismissed without leave to reapply and the remainder of the Application was

dismissed with leave to reapply. I notified the landlord that the landlord could file a new application for dispute resolution and pay a new filing fee if the landlord wished to pursue this matter further.

### Conclusion

The landlord's Application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of the landlord's Application 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: July 15, 2016

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Residential Tenancy Branch