



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, OPT, AAT, O

### Introduction

This hearing was convened in response to an Application for Dispute Resolution (the “Application”) made by the Tenant for the following reasons: for money owed or compensation for damage or loss under the Residential Tenancy Act; to obtain an Order of Possession to the site; to allow access to the site; and for “Other” issues, namely the restoration of water and power to the site.

### Preliminary Issues

The hearing was attended by the Tenant and his daughter who acted as the Tenant’s agent during the hearing. The parties provided affirmed testimony during the hearing.

At the start of the hearing, the Tenant’s agent confirmed that the Tenant owned his mobile home and was renting the site in the manufactured home park. Therefore, I amended the Tenant’s Application as it was made under the Residential Tenancy Act and should have been made under the Manufactured Home Park Tenancy Act. I did this pursuant to my authority under Section 57(30 (c) of the *Manufactured Home Park Tenancy Act* (the “Act”).

As there was no appearance for the Landlord named on the Application for this hearing, I turned my mind to the service of documents for this hearing. The Tenant’s agent testified that they served all the landlords to this dispute by registered mail. I asked the Tenant to explain this further as there was only one Landlord named on the Tenant’s Application. The Tenant’s agent explained that there were several landlords to this dispute and that the Tenant had handwritten them all on the Notice of Hearing documents which was faxed to the Residential Tenancy Branch. The Tenant’s agent confirmed that the parties named on the Notice of Hearing documents were not named on the Application as the Tenant was not aware that this was the correct process to follow.

The Tenant's agent explained that when she served the landlords she named all three landlords, including the Landlord detailed on the Application, on the one package of documents sent to the landlords' address by registered mail. However, the single package was returned to the Tenant as unclaimed.

Rule 3.1 of the Residential Tenancy Branch Rules of Procedure require that each party named on an Application be served separately with notice of the hearing and the claim against them. This is further clarified and reinforced in the introductory section of Policy Guideline 12 titled 'Service Provisions'.

In this case, I find the Tenant failed to firstly name the other two landlords he intended also to be party to this dispute correctly on the Application; and secondly, all of these parties were not served separately. As the parties were served together and the mailed package was returned, I cannot be satisfied that the named party on the Application was notified of the documents being attempted for service as they could have been returned by the other two parties the Tenant wrote down on the package. Therefore, I am not satisfied that service in this case has properly been effected to the parties the Tenant intends to bring this claim against.

In addition, the Tenant had not provided any documentary evidence supporting his monetary claim to support his written submissions which was the only evidence before me at the time of this hearing. As I was not satisfied that service had been effected to the correct parties for this dispute, I allowed the Tenant to withdraw their monetary claim and provided leave to re-apply.

In relation to the remainder of the Tenant's Application, the Tenant informed that he had vacated the rental site and that the tenancy had ended. Therefore, I dismissed the remainder of the Tenant's Application as it is moot and provide leave to re-apply for the Tenant's monetary claim. The Tenant agreed with this course of action. This file is now closed. This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: October 17, 2016

