



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RIVERDALE TRAILER COURT LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, OLC, RP, PSF, O

Introduction

On September 28, 2016, the Tenant submitted an Application for Dispute Resolution asking for a monetary order for money owed or compensation for damage or loss under the Act, regulations or tenancy agreement; to order the Landlord to provide services or facilities required by law; to order the Landlord to comply with the Act; and to order the Landlord to make repairs to the site.

The matter was set for a conference call hearing. The Tenant attended the hearing; however, the Landlord did not.

Preliminary and Procedural Matters

Section 82 of the Manufactured Home Park Tenancy Act (the Act) states that an application for dispute resolution, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 64 (1) [*director's orders: delivery and service of documents*].

At the conclusion of the hearing, I reserved my decision. The Tenant provided affirmed testimony that on September 29, 2016, she put a copy of the Notice of Hearing, and all of her documentary evidence in a secured drop box located within the manufactured

home park. The Tenant testified that the drop box is where Tenants are permitted to put their rent cheques. The Tenant testified that she has not had any contact with the Landlord since placing the Notice of Hearing in the secured drop box.

The Landlord did not attend the hearing. I find that the Tenant's method of service of the Notice of Hearing does not comply with the requirements of section 82 of the Act.

I find that in the circumstances it is not reasonable to find or deem that the Landlord was notified of this hearing. I find that the Landlord has not been properly served with the Notice of Hearing pursuant to section 82 of the Act. The Tenant'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: November 22, 2016

Residential Tenancy Branch