



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNDC

Introduction

This hearing dealt with an application by the landlord pursuant to the *Manufactured Home Park Tenancy Act* for a monetary order for unpaid rent and the cost of clearing the rental pad.

The agent for the landlord stated that the notice of hearing was served on the tenant by registered mail, to the advocate that attended the hearing on behalf of the tenant. The advocate informed me that the tenant had not retained his services but he had received the notice of hearing package from the landlord and he chose to call into the hearing by conference call. The tenant did not attend the hearing. The agent for the landlord testified that she had mailed the notice of hearing package to an incorrect address in error and requested that her application be dismissed with leave to reapply.

Analysis

The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The tenant is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the landlord, I find that the notice of hearing was not served in accordance with section 81 of the *Act*.

Conclusion

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: January 11, 2017

Residential Tenancy Branch