



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding STONECLIFF PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND MNR MNDC

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, received at the Residential Tenancy Branch on July 08, 2016 (the "Application"). The Landlord applied for the following relief pursuant to the *Manufactured Home Park Tenancy Act* (the "Act"):

- a monetary order for damage to the unit, site, or property;
- a monetary order for unpaid rent or utilities; and
- a monetary order for money owed or compensation for damage or loss.

The Landlord was represented at the hearing by V.B. and R.B. The Tenants were both represented at the hearing by P.L. in what he advised was a "limited capacity". All parties giving evidence provided a solemn affirmation.

At the outset of the hearing, and on behalf of the Tenants, P.L. raised an issue with respect to service. On behalf of the Landlord, V.B. acknowledged there had been issues with respect to service. Specifically, V.B. stated the Application package was served by registered mail to an address where documents had previously been accepted by the Tenants. However, V.B. indicated she is not confident the documents were received by the Tenants and intends to retain a process server. In response, P.L. confirmed his understanding that the Tenants were not properly served.

In light of the oral testimony provided by P.L. and V.B., I find that the Tenant was not served with the Landlord's Application package in accordance with the *Act*. The Landlord's Application is dismissed with leave to reapply at a later date.

Section 53 of the Act requires applications for dispute resolution to be made within 2 years of the date that the tenancy to which the matter relates ends. If an application for dispute resolution is not received within this period, the claim will cease to exist for all purposes.

Conclusion

The Landlord's Application is dismissed with leave to reapply at a later date.

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 13, 2017

Residential Tenancy Branch