



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ASPEN MOBLIE ESTATES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP, MNDC, O, PSF, RPP, RR

This matter was scheduled for a conference call at 9:30 a.m. on this date. The tenant participated in the teleconference, the landlord did not. The tenant filed an application on January 31, 2017 and served the Notice of Hearing Documents on February 3, 2017 by way of registered mail. Section 82(c) of the Manufactured Home Park Tenancy Act states that if a tenant is serving a landlord by registered mail, the address for service must be where the landlord resides at the time of mailing or the address at which the landlord carries on business as a landlord. The tenant testified that the named landlord on this application sold the property and ceased care and control of the property on February 1, 2017, two days prior to the tenant sending the Notice of Hearing Documents.

In the tenants own testimony, they conceded that the landlord did not reside on the property and no longer owned and ran the park. The tenant further advised that she doesn't have a forwarding address for the landlord. The tenant has not provided sufficient evidence to satisfy me that the landlord has been served and that they have been given full notice of the claims being made against them in keeping with the principles of natural justice. The tenant was unable to satisfy me that the landlord had been served the Notice of Hearing Documents in accordance with Section 82(c) of the Manufactured Home Park Tenancy Act and as a result, I dismiss the tenant's application with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

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: March 06, 2017

Residential Tenancy Branch