



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Whispering Spruce Campground & R.V. Park Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, OPR

Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a Notice to End Tenancy that was given for nonpayment of rent, requesting a monetary order for outstanding rent, and requesting recovery of the \$100.00 filing fee.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed to an address that, she believes, is their present mailing address; however the respondent(s) did not join the conference call that was set up for the hearing.

The applicant further testified that she is not sure that she has the correct address for the tenants, as she copied it off of a cheque she received from the tenants, however it was not completely legible, and therefore she is unsure as to whether she got it correct.

Section 52 of the manufactured home Park tenancy act states:

(2) An application by a landlord under section 48 [*order of possession for the landlord*], 49 [*application for order ending tenancy early*] or 49.1 [*order of possession: tenancy frustrated*] must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
- (b) by sending a copy by registered mail to the address at which the tenant resides;
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;

(e) as ordered by the director under section 64 (1) [*director's orders: delivery and service of documents*].

In this case, since the applicant has testified that she is not even sure that she got the address correct, it is my finding that there is insufficient evidence to show that the application for dispute resolution has been served on the respondents.

It is my decision therefore that I am unwilling to proceed with the hearing in the absence of any proof that the respondents have been served.

Conclusion

Pursuant to section 55 of the *Manufactured Home Park Tenancy Act*, this 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: March 20, 2017

Residential Tenancy Branch