



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC

Introduction

This hearing dealt with the tenant's application pursuant to the *Manufactured Home Park Tenancy Act* ("Act") for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause, dated May 27, 2017, pursuant to section 40.

The landlord did not attend this hearing, which lasted approximately 16 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Tenant's Application

The tenant testified that the landlord was served with the tenant's application for dispute resolution hearing package on June 5, 2017, by way of leaving a copy in the landlord's former residential mailbox. She provided a written statement indicating the service was witnessed on June 3, 2017. The tenant clarified that the actual date was June 5, not June 3.

Section 82(1) of the *Act* outlines the methods of service for an application for dispute resolution, which reads in part as follows:

82 (1) 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].

I find that the tenant did not properly serve the landlord with her application because it was left in the mailbox, which is not permitted under section 82(1) of the *Act*. It was also provided to an address where the tenant said that she knew the landlord had already vacated.

As the tenant failed to prove service in accordance with section 82(1) of the *Act*, I find that the landlord was not served with the tenant's application. At the hearing, I advised the tenant that I was dismissing her application with leave to reapply. I informed her that she would be required to file a new application and pay a new filing fee, if she wished to pursue this matter further.

I cautioned the tenant that she would have to prove service at the next hearing, including evidence of the landlord's current address. I notified her that leave to reapply was not an extension of any applicable limitation period. I encouraged the tenant to seek legal advocacy assistance because she was unsure of the limitation period and I was unable to provide her with any kind of legal advice.

Conclusion

The tenant's application is dismissed 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: July 06, 2017

Residential Tenancy Branch