



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

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

- an Order of Possession for unpaid rent pursuant to sections 39 and 48;
- a monetary order for unpaid rent pursuant to section 60; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 65.

The tenant did not attend this hearing, although I waited until 11:13 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m.

The landlord and the landlord's legal counsel attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that the Landlord's Application for Dispute Resolution (the Application) and evidentiary package was sent to each tenant by way of registered mail on September 20, 2017. The landlord provided copies of the Canada Post Tracking Numbers which shows that the registered mailings were not picked up by the tenants.

The landlord testified that he regularly checks on the manufactured home site and the tenants have not lived there since early September 2017. The landlord stated he has seen no signs of activity at the site since the beginning of September 2017 and it appears the tenants have abandoned the manufactured home. The landlord recounted that there are toys and other items strewn about on the front lawn of the site but the landlord has not inspected the inside of the manufactured home.

Analysis

Section 82 (c) of the *Act* allows for service of an application for dispute resolution by way of registered mailing to the address at which the tenant resides.

As the landlord has stated that the manufactured home site has been abandoned since early September 2017 and the landlord served the Application to the tenants on September 20, 2017, I find the landlord has served the Application to an address where the tenants no longer reside. For this reason I find the Application has not been served in accordance with section 82 of the *Act* and the landlord's application is dismissed, with leave to reapply.

Since I have found that the tenants abandoned the manufactured home site in early September 2017, the landlord does not require an Order of Possession.

Conclusion

I dismiss the monetary portion of the landlord's Application for unpaid rent, with leave to reapply

The portion of the landlord's Application concerning the filing fee and for an Order of Possession is dismissed, without 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: November 22, 2017

Residential Tenancy Branch