



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

The landlord's daughter applies for an order of possession pursuant to a ten day Notice to End Tenancy dated November 21, 2017 and for a monetary award for unpaid rent.

Neither tenant attended the hearing within 20 minutes after its scheduled start time.

In such circumstances, in order to proceed in the absence of the tenants it is incumbent on the landlord to prove that the tenants have been duly served with the application and notice of hearing.

Ms. S. states that the application and notice of hearing were served on each of the tenants by registered mail addressed to a post office box number in the town in which the manufactured home site is located.

The *Manufactured Home Park Tenancy Act* (the "Act"), ss 80 and 81, specify that applications of this nature may be served on tenants by registered mail "to the address at which the person resides." A post office box does not come within that wording. The *Act* does not provide for or permit service by registered mail to a post office box, unless perhaps the tenants have provided such an address as a forwarding address after vacating.

However, sometimes tenants served in this manner will have signed for the registered mail sent to the post office box. That evidence can substantiate a finding that they have received the application and notice of hearing.

In this instance, the applicant provides two registered mail tracking numbers (reproduced on the cover page of this decision). Canada Post records for that mail fail to disclose that it has been delivered or signed for by either tenant.

In these circumstances I find that the applicant has failed to prove that the tenants were served with the application and notice of hearing.

The application is dismissed with leave to re-apply.

This decision was rendered orally at hearing and 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 03, 2018

Residential Tenancy Branch