



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding EL CAMINO MOBILE HOME PARK LTD  
[tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      MNRL

### **Introduction**

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

- a monetary order for unpaid rent or utilities pursuant to section 60

The landlord's agent, SS ('the landlord'), testified on behalf of the landlord in this hearing and was given full authority to do so by the landlord. SS was given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

### **Preliminary Issue - Service of the Application for Dispute Resolution**

The landlord's agent testified during the hearing that the both tenants named in the written tenancy agreement are deceased, and at the time of the hearing the landlord is uncertain as to who is now managing the estate of the two tenants GN and CO.

The landlord's agent testified that the landlord had attempted to serve another party by way of registered mail, but that party did not attend the hearing, nor has the other party confirmed they are now managing the estate of the deceased tenants.

Section 82 of the *Act* establishes the following special rules for service of documents.

### ***Special rules for certain documents***

**82** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 6, 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 landlord has not met the requirements of section 82 of the *Act* for service of their Application. Accordingly, I dismiss the landlord's entire monetary application with leave to reapply.

### **Conclusion**

I dismiss the landlord's entire monetary application for dispute resolution 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: May 25, 2018

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Residential Tenancy Branch