



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

On September 19, 2018, the Tenant applied for a Dispute Resolution proceeding seeking an Order for the Landlord to Comply pursuant to Section 55 of the *Manufactured Home Park Tenancy Act* (the “Act”).

The Tenant attended the hearing with B.M. as her advocate. L.M. and T.M. attended the hearing as agents for the Landlord. All parties provided a solemn affirmation.

The Tenant advised that she served the Landlord with the Notice of Hearing package by registered mail to the address that she had according to the past documents from the Landlord; however, this package was not claimed.

The Landlord advised that they were never served the Notice of Hearing package and only found out about the hearing when they were sent an email reminder from the Residential Tenancy Branch. When the Tenant stated the address that she used for registered mail service, the Landlord confirmed that this address was for the previous manager; however, this position was eliminated in July 2016 and was replaced with a tenant of the park. Furthermore, he stated that documentation was sent to all of the tenants of the park when this change occurred. The Landlord also stated that there is a large sign that indicates the location of the office building, which is just behind the Tenant’s site. He indicated that the Tenant could have personally served the Notice of Hearing package to the office as it was a very close walk. As he was not served the Notice of Hearing package, he submitted that he was not even aware of who had made the Application or what the nature of the claims were until he called into the hearing.

Based on the evidence and testimony before me, I am not satisfied that the Notice of Hearing package was served to the Landlord. As such, I dismiss the Tenant's Application with leave to re-apply.

Conclusion

I dismiss the Tenant's Application 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: November 2, 2018

Residential Tenancy Branch