



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RETIRE WEST COMMUNITIES LTD., DEERWOOD PLACE ESTATES,  
and VITO ENTERPRISES LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes            DRI, FFT

### Introduction

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

- disputation of a rent increase from the landlord, pursuant to sections 35 and 36; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 65.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 9:42 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 a.m. The tenant and her support person attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant, her support person and I were the only ones who had called into this teleconference.

The tenant testified that the notice of dispute resolution package was left in the landlord's mailbox.

Section 82 of the *Act* states:

**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 tenant did not serve the landlord with the notice of dispute resolution package in accordance with section 82 of the *Act*. At the hearing, I advised the tenant that I was dismissing her application with leave to reapply.

I notified the tenant that if she wished to pursue this matter further, she would have to file a new application. I cautioned her to be prepared to prove service at the next hearing, as per section 82 of the *Act*.

### Conclusion

I dismiss the tenant's application to recover the \$100.00 filing fee without leave to reapply.

The remainder of the tenant's application is dismissed 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: February 11, 2019

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Residential Tenancy Branch