



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT LRE OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Manufactured Home Park*

- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 85;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 63; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 65.

While the tenant attended the hearing by way of conference call, the landlord did not. I waited until 11:11 a.m. to enable the landlord to participate in this scheduled hearing for 11:00 a.m. The tenant was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue - Service of the Application for Dispute Resolution

The tenant testified during the hearing that he had served the landlord with his application for dispute resolution by way of registered mail, but did not provide a tracking number or receipt to support that the landlord was served in accordance with Section 82(1) of the *Act*.

Section 82(1) of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution.

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*].

As the landlord was not in attendance at the hearing, and as there is no way to confirm that the landlord was served in a manner required by section 82(1) of the *Act*, I cannot consider the tenant's application. Accordingly, I dismiss the tenant's application with leave to reapply.

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: July 15, 2019

Residential Tenancy Branch