



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNLC LAT LRE OLC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing was held on December 12, 2019. The Tenant applied for multiple remedies, pursuant to the *Manufactured Home Park Tenancy Act* (the "Act").

The Tenant attended the hearing and provided testimony. The Landlord did not attend the hearing.

The Tenant stated that she sent a copy of the Application for Dispute Resolution along with supporting documentary evidence to the Landlord by registered mail on November 20, 2019. The Tenant stated that she sent the packages to one of the Landlord's trailers (in the home park) which he rents out. The Tenant stated that she does not know who lives in the unit, but she believes the Landlord owns that trailer. The Tenant was unsure if the person living in the trailer is an agent for the Landlord. The Tenant stated she did not have another address for service for the Landlord because he lives in Vancouver. The Tenant noted the packages were not picked up by the Landlord.

I have considered the Tenant's testimony and evidence on this matter. I note that serving an application package and a notice of hearing must be done in a certain manner, as set out in section 82 of the Act. Section 82 specifies the following:

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 there is insufficient evidence to show that the Landlord provided this particular address as their forwarding address or address for service. Further, given another unknown person lives in the unit the Tenant sent the packages to, it is unlikely that the Landlord lives there. In fact, the Tenant stated the Landlord lives in Vancouver somewhere. Ultimately, I find the Tenant has failed to serve the Landlord with her Notice of Hearing and application in accordance with section 82 of the Act.

I encourage the Tenant to utilize one of the approved methods of service, as laid out above. I note that serving documents in person can occur anywhere, but should this option be utilized, proof of service (witness or process server) may be required to prove service was affected appropriately. I find it important to note that registered mail may only be delivered in one of the manners laid out under section 82. Should the Tenant wish to serve the Landlord in an alternative manner to the options above, she should apply for an order for substituted service with the Residential Tenancy Branch.

Since the Tenant has failed to sufficiently serve her application, I dismiss her application, with leave to reapply.

Conclusion

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: December 12, 2019

Residential Tenancy Branch