



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR-DR FFL

### Analysis

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

- an Order of Possession pursuant to section 48; and
- a return of the filing fee pursuant to section 65 of the *Act*.

Only the landlord participated in the conference call hearing. The landlord was given full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that on November 5, 2019 he sent by UPS courier service a copy of the Landlord's Application for Dispute Resolution Package and a copy of his evidentiary package. A copy of the receipt associated with this package was submitted as part of the landlord's evidentiary package.

While I appreciate the efforts that the landlord has made to serve the tenants. Sending a document by UPS is not a recognized form of service under section 82 of the *Act*. Section 82(2)(b) states:

**82 (2)** An application by a landlord under section 48 [order of possession for the landlord]...must be given in one of the following ways:

(a) by leaving a copy with the tenant;

**(b) by sending a copy by registered mail to the address at which the tenant resides;**

(c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;

(d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;

(e) as ordered by the director under section 64 (1) [*director's orders: delivery and service of documents*].

*Residential Tenancy Policy Guideline #12* defines "Registered Mail" as "any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available." I find UPS courier services do not meet this definition of "Registered Mail" as allowed under section 82 of the *Act*.

I am not satisfied that the landlord served notice of this dispute resolution hearing documents to the tenant as required by section 82 of the *Act*. For this reason, the landlord's application is dismissed with leave to reapply.

### Conclusion

I dismiss the landlord's application with leave to reapply. The landlord must bear the cost of his own filing fee.

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 3, 2020

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Residential Tenancy Branch