



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **FFT, OLC, RP**

### Introduction

This hearing was scheduled to deal with an application filed by the tenant pursuant to the *Manufactured Home Park Tenancy Act* (“Act”).

The tenant called into the teleconference scheduled for 1:30 p.m. at 1:37 p.m. The landlord did not call into the hearing, although I waited until 1:40 p.m. to enable the landlord to participate in this hearing. 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 monitoring system that the tenant and I were the only ones who had called into this teleconference.

The tenant testified he sent the Notice of Dispute Resolution Proceedings to the landlord by registered mail on March 18, 2020 and provided a tracking number. I note here that the Notice of Dispute Resolution Proceedings was created by the Residential Tenancy Branch on March 27, 2020, making impossible for the tenant to have served the landlord with a copy of it on March 18<sup>th</sup>.

The tenant also testified he sent the Notice of Dispute Resolution Proceedings to the landlord by registered mail on April 10, 2020. With the tenant’s permission, I looked up both of the tracking numbers provided to me on the Canada Post website. Both tracking numbers provided by the tenant returned results of “We didn’t find an item associated with this number.” No tracking number receipts were provided as evidence in these proceedings.

Section 82 of the *Manufactured Home Park Tenancy Act* establishes the following special rules for certain documents, including Notice of Dispute Resolution Proceedings:

## **82 Special rules for certain documents**

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*].

Rule 3.5 of the Residential Tenancy Branch Rules of Procedure provide that at the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the *Act* and these Rules of Procedure.

The tenant has not provided satisfactory evidence that the landlord was served with the Notice of Dispute Resolution Proceedings. As such, I dismiss the tenant's Application for Dispute Resolution with leave to reapply.

## **Conclusion**

As noted above, this Application for Dispute Resolution 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: May 15, 2020

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Residential Tenancy Branch