



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0909799 BC LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNRL, FFL

### Introduction and Preliminary Matters

On October 1, 2020, the Landlord applied for a Dispute Resolution proceeding seeking a Monetary Order for compensation pursuant to Section 60 of the *Manufactured Home Park Tenancy Act* (the “*Act*”) and seeking to recover the filing fee pursuant to Section 65 of the *Act*.

V.H. attended the hearing as an agent for the Landlord; however, neither Tenant made an appearance during the 14-minute hearing. All parties in attendance provided a solemn affirmation.

V.H. advised that she served Tenant B.Z. a Notice of Hearing package by a social media messenger service; however, she did not have authorization from the Residential Tenancy Branch to serve in this manner. She also advised that she served Tenant E.F. a Notice of Hearing package by putting it in the mailbox of the dispute address on October 2, 2020. However, she indicated that he abandoned the rental unit on August 31, 2020.

I find it important to note that V.H. did not have authorization to serve this package to B.Z. in the manner with which she did. Furthermore, she served this package to E.F. in manner that did not comply with Section 89 of the *Act* and she served it to an address over a month after he vacated the rental unit. Based on this undisputed testimony, I am not satisfied that either Tenant was satisfactorily served this Notice of Hearing package in accordance with the *Act*. As I am not satisfied that either Tenant has been served a Notice of Hearing package, I have dismissed the Landlord’s Application with leave to reapply.

As the Landlord was not successful in this Application, I find that the Landlord is not entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

Based on the above, the Landlord'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 8, 2020

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Residential Tenancy Branch