



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC

This hearing dealt with the landlords' application under the *Manufactured Home Park Tenancy Act* (the *MHPTA*). The landlord applied for:

- an Order of Possession pursuant to section 48.

This matter was scheduled for a conference call at 9:30 a.m. on this date. The landlords participated in the teleconference, the tenants did not. The landlords gave affirmed testimony. BP testified that on January 8, 2021 he served the Notice of Hearing Document and Application by placing it in an envelope and then placing it inside the tenant's mailbox. Section 82 of the *MHPTA* addresses the issue before me as follows:

### Special rules for certain documents

**82 (2) An application by a landlord under section 48 [order of possession for the landlord], 49 [application for order ending tenancy early] or 49.1 [order of possession: tenancy frustrated] must be given to the tenant 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];
- (f) by any other means of service provided for in the regulations.

Placing the Notice of Hearing and Application in the mailbox is not an option available for service under these circumstances, accordingly; I am not satisfied that the tenant

was served in accordance with the above section and I therefore dismiss this application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: April 06, 2021

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Residential Tenancy Branch