



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI CNC MNDCT OLC FFT

Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (application) by the applicants seeking remedy under the *Manufactured Home Park Tenancy Act* (Act) for a monetary order in the amount of \$151.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, to dispute a 1 Month Notice to End Tenancy for Cause (1 Month Notice), to dispute a rent increase, for an order directing the landlord to comply with the Act, regulation or tenancy agreement and to recover the cost of the filing fee.

The respondent called into the teleconference hearing at 9:30 a.m. and was affirmed. The son of the respondent, CH (son) was also with the respondent and was affirmed. The applicants did not call into the hearing until 9:38 a.m. and were asked why they were late calling into the hearing. The applicants stated that they were having telephone problems. Attending for the applicants were SG, RG and SP. All participants were affirmed. Prior to the applicants calling into the hearing, the respondent stated that they did not know SG or RG and that they did not have a tenancy relationship with either applicant and that they only knew SP, who was not listed on the application before me. The respondents also stated that they only became aware of this hearing through the RTB contacting them and as a result, raised an issue of service.

When the applicants called into the hearing, they were asked how the respondent was served with the Notice of Hearing and application. Both SG and SP stated that the respondent was served on March 19, 2021 in person and that SG was there to witness the service. The parties were then advised that service on March 19, 2021 would have been impossible as the Notice of Hearing document was not created until March 23, 2021. Both parties have the right to a fair hearing. I am not satisfied that the applicants served the respondent correctly, nor have provided any supporting documentation to support a landlord and tenant relationship exists between them. Therefore, **I dismiss**

the applicant's application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently served in a manner provided for under the Act. I do not make any findings on jurisdiction however, which may be addressed at a future hearing should the applicants decide to reapply.

I note that while the applicants attempted to change their testimony to a later date in April 2021, I afford no weight to that testimony as they parties had already been affirmed to tell the truth and nothing but the truth.

I note this decision does not extend any applicable time limits under the Act.

The filing fee is not granted due to the service issue.

Conclusion

The application of the applicants is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to both parties at the email addresses provided by the applicants and the updated email address provided during the hearing by the respondent.

The filing is not granted due to the service issue.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 5, 2021

Residential Tenancy Branch