



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNDL, OL, FFL

Introduction

This hearing was scheduled to convene at 1:30 p.m. this date by way of conference call concerning an application made by the landlord seeking an Order of Possession for unpaid rent or utilities; a monetary order for damage to the rental unit or property; and to recover the filing fee from the tenants for the cost of the application.

The landlord attended the hearing, however no one for the tenants joined the call.

The landlord advised that the tenancy is actually a tenancy under the *Manufactured Home Park Tenancy Act*, not the *Residential Tenancy Act*.

One of the named tenants moved out of the manufactured home belonging to the tenants some time ago, and the remaining tenant has disappeared.

The landlord also advised that she was confused with documentation and because the remaining tenant has not been seen or heard of, despite notices being attached to the door, the landlord has not attempted to serve the tenant(s) with the Hearing Package.

Where a party applies for any relief under the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act*, the party must serve the Hearing Package, including notice of the hearing and all evidence upon the other party. Both Acts provide that a respondent named in an application can be served by registered mail, and the respondent is deemed to have been served 5 days after mailing.

In this case, the landlord has not attempted to serve the Hearing Package to the tenant, and I dismiss the landlord's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the landlord's application is hereby 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 *Residential Tenancy Act*.

Dated: September 09, 2021

Residential Tenancy Branch