



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC LRE FFT

Introduction and Preliminary Issue

The tenant applied for relief under the *Manufactured Home Park Tenancy Act* ("Act").

A hearing was scheduled on October 4, 2021 at 11:00 AM. Only the tenant attended. The tenant stated that they had not served a copy of the Notice of Dispute Resolution Proceeding on the landlord; this explains the landlord's non-attendance.

Both the Act (section 52(3)) and the *Rules of Procedure* (Rule 3.1) require an applicant to serve a respondent with the Notice of Dispute Resolution Proceeding within three days of the notice being made available by the Residential Tenancy Branch. Here, the tenant filed an application for dispute resolution on June 6, 2021 and the branch emailed a copy of the Notice of Dispute Resolution Proceeding to the tenant on June 21, 2021. As of today, that notice has not been served on the landlord.

Given that the tenant did not serve a copy of the Notice on the landlord in accordance with the Act and the *Rules of Procedure*, it would be procedurally unfair to proceed with a hearing without the landlord. Accordingly, the tenant's application is dismissed, with leave to reapply.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: October 4, 2021

Residential Tenancy Branch