



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction and Preliminary and Procedural Matters-

This hearing dealt with the tenant's application for dispute resolution under the Manufactured Home Park Tenancy Act (Act). The tenant applied for compensation for a monetary loss or other money owed.

The tenant attended; the landlords did not attend the telephone conference call hearing.

In response to my inquiry, the tenant said she served the landlords her application for dispute resolution, evidence, and Notice of Hearing (application package) by ordinary mail.

The tenant also confirmed that the tenancy ended on June 30, 2019, when she vacated the manufactured home site.

Analysis and Conclusion

Section 82(1) of the Act indicates the ways in which an application for dispute resolution must be given, such as in the case of the tenant's claim for a monetary order:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by **registered mail** to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*];

(f) by any other means of service provided for in the regulations.

In the case before me, I find that the tenant failed to provide sufficient evidence that she served her application to the landlords as required by the Act, as she confirmed sending the documents by ordinary mail.

I therefore find the tenant submitted insufficient evidence that she served the landlord her application for dispute resolution and notice of this hearing in a manner required by the Act.

Both parties have a right to a fair hearing and the landlords would not be aware of the hearing without having been served the Notice of a Dispute Resolution Hearing and application as required by the Act.

I therefore **dismiss** the tenant's application, without leave to reapply, as an application for dispute resolution must be made within 2 years of the date the tenancy ends.

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: January 21, 2022

Residential Tenancy Branch