



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      RPP, MNDCT

### Introduction

The Applicant filed the Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act* (the “Act”) for the return of their personal property from the Landlord, and compensation for money owed. They filed their Application on September 23, 2021. The matter proceeded by way of a hearing pursuant to s. 67(2) of the *Manufactured Home Park Tenancy Act* (the “Act”) on February 4, 2022.

The Applicant attended the telephone conference call hearing; the Respondent did not attend.

### Preliminary Issue – service of the Notice of Dispute Resolution

The Applicant stated they did not provide copy of the notice of dispute resolution to the landlord upon applying on September 23, 2021. They attempted to contact the Respondent via telephone, text messaging, and email. The Applicant stated there was no communication with a response. This was their phone calls, text messages and emails that went unanswered by the Landlord. The Applicant did not send the notice of this hearing to the Respondent via email.

The Act s. 52 contains the provisions for starting proceedings in a dispute resolution. Subsection (3) states: “. . . a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.”

The Act s. 82 gives the rules for service of the application for dispute resolution. This is by leaving a copy with the person or their agent or sending a copy via registered mail.

As well, the *Manufactured Home Park Regulation* provides for email, “to an email address provided as an address for service by the person.”

Additionally, the Rules of Procedure that are crafted to ensure a fair process specify the documents to be served by an applicant to the respondent. These are: the Notice of Dispute Resolution Proceeding provided when applying; the Respondent Instructions for Dispute Resolution; a process fact sheet; and other evidence submitted by the applicant.

The Applicant did not provide a copy of the notice of dispute resolution proceeding – that document that is generated when a person applies for dispute resolution – to the Respondent either through mail or in person. Because the Respondent did not attend the hearing, and by the testimony of the Applicant, I find they did not give the required information to the Respondent of this hearing date and time.

### Conclusion

I dismiss the this Application, with leave to reapply. This decision does not impact any deadlines as set forth in the *Act*.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: February 4, 2022

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Residential Tenancy Branch