



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** FFL MNRL

### **Introduction**

This hearing dealt with the landlord's application pursuant to the *Manufactured Home Park Tenancy Act* for:

- a monetary order for unpaid rent and utilities pursuant to section 60; and
- authorization to recover the filing fee for this application, pursuant to section 65.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:40 p.m. in order to enable the tenant to call into this teleconference hearing scheduled for 1:30 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord and I were the only ones who had called into this teleconference.

### **Preliminary Issue - Service of Application for Dispute Resolution**

Section 82(1) of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution.

#### ***Special rules for certain documents***

**82** (1) *An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 6, when required to be given to one party by another, must be given in one of the following 2ways:*

- 2a) 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 64 (1) [director's orders: delivery and service of documents].*

The landlord testified that the hearing package was posted on the tenant's door on August 9, 2021. Although the landlord provided proof of service of the 10 Day Notice to End Tenancy for Unpaid Rent, the landlord did not provide any evidentiary materials to support that the tenant was served with the hearing package in one of the methods as outlined in section 82(1) of the *Act*, as noted above.

As the tenant was not in attendance to confirm that they were served with the Notice of Hearing and landlord's application, and in the absence of sufficient evidence to support that the tenant was properly served in accordance with the *Act*, the landlord's application is dismissed with leave to reapply.

### **Conclusion**

I dismiss landlord's application 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 *Manufactured Home Park Tenancy Act*.

Dated: February 7, 2022

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Residential Tenancy Branch