



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Creekside Campground & RV
Park and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, MNDCT, DRI, OT, FFT

Introduction

This hearing was scheduled to convene at 9:30 a.m. on March 10, 2022 concerning an application made by the tenants disputing a rent increase and seeking the following orders:

- an order that the landlord comply with the *Manufactured Home Park Tenancy Act*, regulation or tenancy agreement;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement;
- an order respecting jurisdiction and that the *Manufactured Home Park Tenancy Act* applies; and
- to recover the filing fee from the landlord for the cost of the application.

One of the tenants attended the hearing accompanied by a support person, and assisted by an Advocate. However, the line remained open while the telephone system was monitored for in excess of 15 minutes and no one for the landlords joined the call.

The tenant's support person submitted that the landlord company was served by posting the hearing package to the door of the landlord's office on September 17, 2021, and to the door of the individually named landlord.

The *Manufactured Home Park Tenancy Act* specifies how a hearing package must be served:

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 ways:

- (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 64 (1) [*director's orders: delivery and service of documents*];
- (f) by any other means of service provided for in the regulations.

Posting a hearing package to the office door of a landlord company or to the door of an individually named landlord is not sufficient service. Therefore, I dismiss the tenants' 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 tenants' 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 *Manufactured Home Park Tenancy Act*.

Dated: March 10, 2022

Residential Tenancy Branch