



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      **ERP, FFT**

### Introduction

This hearing dealt with an application filed by the tenant pursuant the *Manufactured Home Park Tenancy Act* (the “Act”) for:

- An order for emergency repairs to be done to the rental unit pursuant to section 27; and
- Authorization to recover the filing fee from the other party pursuant to section 65.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 10:00 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

The tenant attended the hearing accompanied by his father/agent NH. The tenant testified that they served the Notice of Expedited Hearing upon the landlord by posting a copy of it to the office door of the manufactured home park where the tenant’s trailer is located.

### Preliminary Issue – service of the Notice of Expedited Hearing

The tenant testified that the person who posted the notice to the office door signed a proof of service document and it was handed in to the Residential Tenancy Branch office in Burnaby. I advised the tenant that no such document was provided for this hearing, although I had a set of 4 photographs depicting a person outside an office door. This person was not present for this hearing and did not provide any testimony.

The tenant’s father testified that the person named on the application for dispute resolution is the owner of the manufactured home park. She has told him so via text message; however those were not supplied as evidence for this hearing. The tenant’s father also testified that the person named as landlord told him that the Act does not apply to her. The person named as landlord on this application only accepts cash for rent and does not provide receipts. According to the tenant’s father, the named landlord only comes around once a month in to collect the cash. The owner does not reside in the park.

I asked the tenant why he named a person as his landlord when the site he occupies is within a manufactured home park. The tenant responded by telling me the person he

named as the landlord is the owner of the park and that the people in the park pay their rent to her. The tenant's father asked this person for the legal entity running the park and the person responded saying "this is my park, you deal with me". There is a resident manager residing in the apartment attached to the office in the manufactured home park but this person was named as a landlord in these proceedings.

Section 82 provides the rules for service of an application for dispute resolution. While this section does not allow a tenant to serve a landlord with an application by posting a copy to the door or other conspicuous place at the address where a person carries on business as a landlord; the Residential Tenancy Branch's director made a standing order under section 64 of the Act allowing this method of service. Despite this, I find insufficient service upon the person named as landlord, as I am not satisfied she carries on business at the park. I find insufficient evidence that the person named as landlord is the correct party to be named as landlord. There is no tenancy agreement, no land title certificate, business license or any documentary evidence presented to corroborate the tenant's assertion that the person named as landlord is the correct party to be named as landlord in this application.

This application for emergency repairs was made under Rule 10 of the Residential Tenancy Branch Rules of Procedure for Expedited Hearings. As the time frames are shortened, there are special rules for serving the Notice of Dispute Resolution Hearing package. Rule 10.9 states:

**10.9 Proof of Service**

An applicant must provide proof of service by submitting RTB 9 Proof of Service – Notice of a Dispute Resolution form one day after serving the Notice of Dispute Resolution Proceeding Package and at least two days before the hearing. Failure to do this may result in the application being dismissed or the hearing being rescheduled or adjourned to a later date.

I dismiss this application with leave to reapply as the tenant has not provided sufficient evidence to satisfy me the named landlord is the correct party to be named in this action. Further, the tenant did not provide a signed *RTB 9 Proof of Service – Notice of a Dispute Resolution form* to satisfy me the person named as the landlord in this action was served with the application as required by Rule 10.9 of the Rules of Procedure.

Conclusion

This application is 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: November 15, 2022