



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **DRI, OLC, FFT**

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on October 13, 2022 (the "Application"). The Tenant applied for the following relief, pursuant to the *Manufactured Home Park Tenancy Act* (the "Act"):

- to dispute a rent increase;
- an order that the landlord comply with the Act; and
- an order granting recovery of the filing fee.

The hearing was scheduled for 9:30A.M. on January 26, 2023 as a teleconference hearing. The Tenant's Representative W.B. attended the hearing at the appointed date and time. No one appeared for the Landlord. The conference call line remained open and was monitored for 13 minutes before the call ended. 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 W.B. and I were the only persons who had called into this teleconference.

At the start of the hearing, W.B. was asked if the Tenant has served the Landlord with the Notice of Hearing and documentary evidence. W.B. was uncertain and was provided an opportunity to send a message to the Tenant for confirmation. W.B. stated that the Tenant was notified not to share her access code with anyone. As such, the Tenant did not serve the Notice of Hearing to the Landlord. Instead, the Tenant was under the impression that the Residential Tenancy Branch would have served the Landlord with the Notice of Hearing.

Preliminary Matters

I note that at the top of Page 2 of the Notice of Hearing, it states:

“The applicant is required to give the Residential Tenancy Branch proof that this notice and copies of all supporting documents were served to the respondent”

According to the Rules of Procedure 3.1;

Documents that must be served with the Notice of Dispute Resolution Proceeding Package The applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and
- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].

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

82(1) An application for dispute resolution,...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 71(1) [director’s orders: delivery and service of document]...*

The Tenant has not served the Landlord as required by the Rules of Procedure 3.1 and Section 82(1) of the *Act*. I am not satisfied that the Landlord was properly served with the Tenant's Application for dispute resolution, or documentary evidence.

Conclusion

I dismiss the Tenant's Application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*.

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 26, 2023

Residential Tenancy Branch