



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DESMA HOLDINGS LIMITED and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNRL, MNDL, FFL

### Introduction

This hearing was scheduled to convene at 1:30 p.m. on January 13, 2023 concerning an application made by the landlord seeking a monetary order for unpaid rent or utilities; a monetary order for damage to the rental property; and to recover the filing fee from the tenants for the cost of the application.

The landlord company was represented at the hearing by 2 agents. One of the named tenants also attended, who did not represent the other named tenant, and submitted that she should not be named in this dispute, never resided in the manufactured home in the manufactured home park, and has not signed a tenancy agreement. The landlord's agents submitted that the tenancy agreement names both tenants, and was written by a previous manager of the manufactured home park. The landlord's agents have provided a copy of a tenancy agreement, which is signed only by a landlord and the tenant (KG) who did not attend this hearing.

Since the tenant who attended the hearing (KM) is not a tenant, I dismiss the application against her in its entirety without leave to reapply.

The landlord's agents have provided a copy of a Registered Domestic Customer Receipt and a Canada Post cash register receipt and indicated that the other tenant (KG) was served with the Notice of Dispute Resolution Proceeding and all evidence by registered mail on September 3, 2022 at the last known address, which is the manufactured home. The tenant is no longer there because the manufactured home has burned. The tenant has not provided a forwarding address and the landlords do not know where the tenant has relocated to.

The *Manufactured Home Park Tenancy Act* specifies how documents are 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.

In this case, the landlord's agents are well aware that the tenant does not reside at the address that the documents were sent to, and have submitted that the tenant has not provided a forwarding address. The landlord must comply with the service requirements as set out above. Since the landlord has not done so, I dismiss the landlord's application as against the tenant (KG) with leave to reapply.

### Conclusion

For the reasons set out above, the landlord's application as against the tenant (KM) is hereby dismissed in its entirety without leave to reapply.

The landlord's application as against the tenant (KG) 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: January 13, 2023

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Residential Tenancy Branch