



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

**Dispute Codes**      **OPR, MNRL, FFL**

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act (“Act”) for orders as follows:

- for an order of possession pursuant to section 55 of the Act
- For a monetary order for unpaid rent pursuant to section 67 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

Landlord counsel RD and agent AC appeared. The tenant did not appear. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

### **Preliminary Issue**

The landlord confirmed that both the trailer and the pad space on the mobile home park was rented to the tenant. I find that the Act applies to this tenancy.

### **Service**

The landlord testified that they are unsure of the correct name of the tenant as he has referred to himself by different names on different documents. The landlord further stated that they are unsure whether the tenant still occupies the rental unit.

The landlord testified he served the 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") dated November 22, 2022 with an effective date of December 2, 2022 by posting it to the tenant's door on November 25, 2022 and by serving it by registered mail on November 23, 2022. The landlord provided photos of the package taped to the door in evidence. The landlord also provided Canada Post tracking information showing the package was returned to the sender on December 13, 2022. A registered mail receipt was also provided in evidence.

The landlord further testified that the dispute resolution package was taped to the tenant's door on December 9, 2022. The landlord uploaded photos in evidence of the package taped to the door. The landlord also testified that the tenant was served the dispute resolution package by registered mail sent December 8, 2022. Canada Post tracking information was provided in evidence and showed that the package was returned to the sender on January 3, 2023.

Section 1 of the Act defines registered mail:

**"registered mail"** includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available;

The landlord is unsure of the tenant's name; therefore I find that the tenant was not properly served by registered mail. Further, the landlord is unsure about whether the tenant still occupies the rental unit, so I am unable to find that the tenant was properly served by posting the 10 Day Notice and dispute resolution package to the door of the rental unit.

The landlord's application is dismissed with leave to reapply once the landlord is able to confirm the tenant's identity.

As I have dismissed the landlord's application, the landlord is not entitled to recover the filing fee.

### Conclusion

The landlord's application is dismissed in its entirety 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 *Residential Tenancy Act*.

Dated: April 22, 2023