



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing

Page: 1

DECISION

Dispute Codes: MNDCT MNRT FFT

Introduction

The Tenant seeks compensation for various losses under the *Manufactured Home Park Tenancy Act* (the “Act”).

Procedural Issue: Service of Notice of Dispute Resolution Proceeding

The Tenant made their application for dispute resolution on September 1, 2022. The Residential Tenancy Branch emailed a copy of the Notice of Dispute Resolution Proceeding (the “Notice”) to the Tenant on September 15, 2022.

The Rules of Procedure require that an applicant must, within three days of the Notice of Dispute Resolution Proceeding being made available by the Residential Tenancy Branch, serve a copy of the Notice upon the respondent (Rule 3.1). This strict procedural requirement is also reflected in section 52(3) of the Act.

According to the Tenant, they could not recall with any specificity when they served the Notice on the Landlord. However, they believed that it was sent by registered mail at “the end of September.” No supporting documentary evidence, such as a Canada Post tracking receipt or document, was provided. According to the Landlord, they did not recall receiving anything, such as the Notice, until sometime in October or possibly November 2022.

Given the lack of persuasive evidence that the Notice of Dispute Resolution Proceeding was served in strict compliance with the Act and the Rules of Procedure, I am unable to consider the merits of the Tenant’s application. The application is therefore dismissed without leave to reapply.

That having been said, the Tenant’s claims regarding vehicle damage and personal property loss would in any event fall outside the jurisdiction of the Act. Those losses would in all likelihood fall under ICBC’s jurisdiction.

Conclusion

For the reasons given above, the Tenant's application is dismissed.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: May 30, 2023

Residential Tenancy Branch