



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding 0888591 BC Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      PSF, LRE, OLC

### Introduction

The Tenant filed an Application for Dispute Resolution on April 28, 2023, seeking

- the Landlord's provision of services/facilities required by the tenancy agreement/legislation
- suspension or set conditions on the Landlord's right to enter the site
- the Landlord's compliance with the legislation and/or tenancy agreement.

The matter proceeded by way of a hearing pursuant to s. 67(2) of the *Manufactured Home Park Tenancy Act* (the "Act") on August 18, 2023. In the conference call hearing I explained the process and provided the attending parties the opportunity to ask questions.

### Preliminary Issue – service of the Notice of Dispute Resolution

The Landlord provided they did not receive the Notice of Dispute Resolution directly from the Tenant. Instead, the Landlord found a copy of the Tenant's Application to the Residential Tenancy Branch.

They inquired to the Residential Tenancy Branch on June 15, 2023, and the Residential Tenancy Branch sent a courtesy copy of that document to the Landlord.

In the hearing, the Tenant stated they served the Notice of Dispute Resolution Proceeding to the Landlord by placing it in the mailbox at the Landlord's own resident address at the manufactured home park. In the record, the Tenant provided that this was service to the Landlord "in person" on May 3, 2023.

The *Act* s. 82 gives the rules for service of the Notice of Dispute Resolution Proceeding. This is by leaving a copy with the person or their agent or sending a copy via registered mail.

The email sent to the Tenant on May 2, 2023, enclosing all hearing documents from the Residential Tenancy Branch, contains the following instruction specifying service of the Notice of Dispute Resolution Proceeding:

**Serve Your Notice of Dispute Resolution Proceeding Package to the Respondent(s)**

**You must serve the Notice of Dispute Resolution Proceeding package by May 5, 2023 in one of the following ways:**

**Canada Post Registered Mail**

1. Print and prepare **separate** Notice of Dispute Resolution Proceeding packages to serve each respondent
2. Include 1 copy of the Notice of Dispute Resolution package in each envelope
3. Send each envelope by Canada Post Registered Mail. Package(s) must be post marked on or before **May 5, 2023**

**In person**

1. Print and prepare **separate** Notice of Dispute Resolution Proceeding packages to serve each respondent
2. Print and bring a proof of service RTB-55 for each respondent to sign acknowledging receipt of the Notice of Dispute Resolution package. Otherwise, bring a witness with you, who can sign to prove service
3. Serve each respondent one copy of the Notice of Dispute Resolution package by hand on or before **May 5, 2023**

**Email Service**

You may serve the Notice Package by email only when the other party has provided in writing an email address and agreement to accept documents related to your tenancy by email. You can use the Address for Service (RTB-51) form to prove that the other party agreed to receive documents by email. If the other party has not agreed to email service, you can apply online for substituted service using your dispute access code: [redacted] or submit a paper application to the Residential Tenancy Branch.

1. Prepare an Email to be sent to each respondent
2. Attach a copy of the Notice of Dispute Resolution package to each email and send the email on or before **May 5, 2023**

Learn more about serving your Notice of Dispute Resolution Proceeding package.

Additionally, the Rules of Procedure that are crafted to ensure a fair process; these specify the documents to be served by an applicant (here, the Tenant) to the respondent (here, the Landlord). These are: the Notice of Dispute Resolution Proceeding provided when applying; the Respondent Instructions for Dispute Resolution; a process fact sheet; and other evidence submitted by an applicant.

I find the Tenant did not provide a copy of the Notice of Dispute Resolution Proceeding – that document that is generated when a person applies for dispute resolution – to the Landlord. Providing the incorrect document (*i.e.*, the Tenant's own application form, that has no information about the scheduled hearing). Moreover, placing the document in the Landlord's mailbox is not service *in person* as the *Act* requires.

The *Act* requires proper service in line with administrative fairness in which a party's legal rights and obligations are challenged. The Landlord had no information about the date/time of the hearing, information on providing a response, or providing evidence. I find the Tenant's incomplete service prejudiced the Landlord in this administrative tribunal setting.

### Conclusion

I dismiss the Tenant's Application, with leave to reapply. This decision does not impact any deadlines as set forth in the *Act*. The Tenant's claim for reimbursement of the filing fee is dismissed without leave to reapply.

I make this decision on the 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: September 15, 2023

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Residential Tenancy Branch