

DECISION

Dispute Codes

OPB; FF; O

Introduction

This Hearing dealt with an Application for Dispute Resolution by the Landlords to obtain an Order of Possession and to recover the cost of the filing fee from the Tenant.

Both parties signed into the teleconference Hearing and gave affirmed testimony.

It was determined that the Landlords served the Tenant with the Notice of Hearing documents and copies of their documentary evidence by registered mail.

Issue(s) to be Decided

1. Did the Landlords serve the Tenant with the Notice to End Tenancy in accordance with the provisions of the Act?

Background and Evidence

The Tenant is currently incarcerated. The Landlords issued a Notice to End Tenancy for Cause on October 3, 2012, and providing it to persons who were then living in the manufactured home. The Tenant was incarcerated at the time the Notice was provided.

The Tenant testified that he received a copy of the Notice to End Tenancy, but not until it was too late to dispute it.

Analysis

Section 81 of the Act provides methods of service of a Notice to End Tenancy. In this case, I find that the Landlords did not serve the Tenant in a manner which is set out in Section 81. A party may serve another party by leaving a document at the person's residence with an adult who apparently resides with the person, however in this case the Tenant was not residing at the rental unit when the document was left. The Landlords testified that they did not know where the Tenant was until November 10, 2012.

The Landlords seek an Order of Possession based on the Notice to End Tenancy. The Notice was not sufficiently served, and therefore I dismiss the Landlords' application. The Tenant was cautioned that it is a tenant's responsibility to provide his landlord with an address for service if he is not going to be living at the rental unit.

The Landlords are at liberty to issue another Notice to End Tenancy, which must be served on the Tenant in accordance with the provisions of Section 81 of the Act.

Conclusion

The Landlord's application is dismissed. This tenancy is in full force and effect until such time as it is ended in accordance with the *Manufactured Home Park Tenancy Act*.

The Landlords may issue another Notice to End Tenancy, which must be served on the Tenant in accordance with the provisions of Section 81 of 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: December 19, 2012.

Residential Tenancy Branch