



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MNDC, RR, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 60;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 58; and
- authorization to recover her filing fee for this application from the landlord pursuant to section 65.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to discuss the tenant's application with one another. The tenant had 4 witnesses to call and the landlord had 1 witness to call.

At the hearing, the landlords testified that they had not received the most substantive portion of the tenant's written evidence until April 12, 2012 which they said was not enough time for them to consider and prepare their position with respect to the tenant's application. The landlords also said that it appeared to them that the tenant was trying to introduce additional issues and the landlords would need to seek additional witnesses if necessary in order to respond. There was also some question as to whether the parties and the RTB had the same documents before them, as the number of pages referred to as served seemed to vary from those received.

After some discussion as to how best to proceed, the parties agreed that the tenant's application would best be considered by way of a face-to-face hearing at the Kelowna Office of the RTB. The landlords agreed with this proposal as long as the timing could be worked out for both parties. After comparison of schedules, both parties agreed that the reconvened hearing should be scheduled for a date after July 7, 2012. As I have not heard any substantive evidence, I advised the parties that I am not seized of this matter and the face-to-face hearing in Kelowna would be considered by another Dispute Resolution Officer.

I informed the parties that I will be directing the scheduler of the RTB to schedule a face-to-face hearing of this application in the Kelowna Office of the RTB after July 7, 2012. At the hearing, I directed that the tenant/applicant remains responsible for serving the notice of the reconvened hearing to the landlords/respondents once she receives that notice from the scheduler of the RTB. The tenant confirmed that she understood that serving the notice of the reconvened hearing to the landlords remains her responsibility.

This interim decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the *Act*.

Dated: April 25, 2012

Residential Tenancy Branch