



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PARKBRIDGE LIFESTYLE COMMUNITIES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, OLC, ERP, RP, AAT, FF, O

Introduction

This hearing was scheduled to deal with a tenant's application for several remedies; including: monetary compensation for damage or loss under the Act, regulations or tenancy agreement; Orders for the landlord to comply with the Act, regulations or tenancy agreement; make repairs and emergency repairs; allow access to (and from) the site for the tenant or the tenant's guest; and, other issues. Both parties appeared or were represented at the hearing.

Other than completing the details of dispute section of the Application for Dispute Resolution, no other written submission or evidence accompanied the Application for Dispute Resolution. On the Application for Dispute Resolution the tenant indicated the dispute pertained to the land of her rental site eroding.

The tenant served the Residential Tenancy Branch with her evidence package on May 10, 2013 and placed the same package in the landlord's mail slot on the same day. The landlord requested the tenant's application be dismissed or adjourned as the landlord had not had sufficient opportunity to review and respond to the tenant's late evidence package.

I found that the tenant failed to meet the deadline provided by the Rules of Procedure or filing evidence. I tenant submitted that she had a medical condition that inhibited her ability to submit her evidence sooner.

I noted that the evidence package did not appear to include evidence or submissions related to eroding land. The tenant confirmed that her request for monetary compensation was for aggravated damages and that her written submissions and evidence were not related to eroding land.

Dispute resolution proceedings are based on the principles of natural justice. Natural justice requires that a respondent be informed of the nature of the claim filed against

them by the applicant. This is one of the many purposes of serving the respondent with the Application for Dispute Resolution and the Notice of Hearing. The Act requires that the Application for Dispute Resolution include sufficient particulars so that the respondent understands the basis for the claim. As such, the applicant must serve the respondent with notice of dispute resolution hearing, the Application for Dispute Resolution and the applicant's evidence in a manner that complies with the Act and Rules of Procedure.

Considering the above, I declined to proceed with the Application for Dispute Resolution that was before me as the tenant indicated the dispute involved eroding land on her Application for Dispute Resolution yet did not provide particulars or supporting evidence of such. Nor did the tenant amend her Application for Dispute Resolution to indicate the dispute involved different issues or a basis for aggravated damages. Therefore, I found that adjourning this proceeding unlikely to be helpful in resolving the dispute indicated on the Application for Dispute Resolution.

I also cautioned the tenant that it may not be appropriate to combine unrelated disputes on a single application.

In recognition of the tenants' medical condition, I dismissed her Application for Dispute Resolution with leave to reapply and strongly encouraged the tenant to seek the assistance of a tenant's advocate or other representation prior to filing another Application for Dispute Resolution.

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: May 14, 2013

Residential Tenancy Branch