



# Dispute Resolution Services

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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, PSF, FF

### Introduction

These two hearings dealt with an Application for Dispute Resolution filed by the Tenant under the *Manufactured Home Park Tenancy Act* (the “Act”), requesting a monetary order for \$25,000.00, orders for the Landlord to comply with the Act or tenancy agreement, to make emergency repairs to the rental site, to make other repairs to the site, to provide services or facilities required by law or the tenancy agreement, and to recover the filing fee for the Application.

Both parties appeared at the first hearing and the Tenant was represented by legal counsel. The hearing process was explained and the participants were asked if they had any questions. In order to be open and transparent the Tenant was informed that the Advocate for the Landlord was a prior employee of the Residential Tenancy Branch and is now an independent consultant. I explained to the Tenant that I did not work in the same office with the Advocate or have personal dealings with him, that I had no financial or personal interest in the work of the Advocate or Landlord, and that I was confident that I could make a determination in this matter without bias. Legal Counsel for the Tenant explained to the Tenant that this disclosure was appropriate and assisted her throughout the first hearing.

Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me during the first hearing.

### Preliminary Matters

The Tenant provided evidence and testimony during the first hearing, which proceeded for 90 minutes. Due to time constraints the hearing had to be adjourned in order that the Respondent Landlord could reply to the claims.

At the end of the first hearing submissions of further evidence was discussed. I explained that either party may submit an engineering or geotechnical report only; however, that would be the only further written evidence I would allow to be submitted.

The parties, including Legal Counsel for the Tenant, all agreed that today September 23, 2013, was an acceptable date to reconvene the hearing. Notices of the Reconvened Hearing were sent out to all parties and Legal Counsel for the Tenant.

Neither the Tenant nor her Legal Counsel appeared at the second hearing, held today.

The Advocate for the Landlord explained he had discussed the reconvened hearing with the Legal Counsel for the Tenant, as the Landlord had retained an engineering company to prepare a report and the Advocate for the Landlord was serving the Tenant and her Legal Counsel with it. A copy of this report was sent to the Branch, although it referenced the wrong file number on its cover page and therefore was filed in an earlier matter involving the parties.

The telephone line remained open while the phone system was monitored for 15 minutes and the only participant who called into the hearing during this time was the Advocate for the Respondent Landlord.

#### Analysis and Conclusion

This hearing was scheduled for 1:30 today and as the Applicant did not attend the hearing by 1:45 p.m., and the Respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

This decision is final and binding on the parties, except as otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 23, 2013

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Residential Tenancy Branch

