



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FERNIE MOBILE HOME PARK
and [tenant name suppressed to protect privacy]

REVIEW HEARING DECISION

Dispute Codes OPR, MNR

Introduction

On June 17, 2015 a non-participatory hearing took place to determine an Application for Direct Request (the “Application”) made by the Landlord for an Order of Possession and a Monetary Order for unpaid rent. The Adjudicator who had conduct of the non-participatory hearing issued the Landlord with an Order of Possession and a Monetary Order for unpaid rent dated June 17, 2015 in the amount of \$263.00.

On July 16, 2015, the Tenant applied for a review of the Direct Request Decision dated June 17, 2015 on the basis that it was obtained by the Landlord using fraud and on the basis that he had new and relevant evidence.

On July 16, 2015, the Arbitrator who had conduct of the Tenant’s review application determined that there was sufficient evidence to indicate that the Tenant had not received the notice to end tenancy on his door. As a result, this review hearing was granted and the decision and orders dated June 17, 2015 were suspended until the outcome of this review hearing.

However, there was no appearance by the Tenant or the Landlord for this hearing despite the telephone line being left open and monitored for ten minutes.

Analysis & Conclusion

Rule 10.1 of the Dispute Resolution Proceedings Rules of Procedure states that the hearing must commence at the scheduled time unless otherwise decided by the

Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Application, with or without leave to re-apply.

As neither party called into the conference call by 9:10 a.m., I find that the Landlord has not presented the merits of this Application. With respect to the decision and orders dated June 17, 2015 already issued to the Landlord, I find that pursuant to Section 75(3) of the *Manufactured Home Park Tenancy Act*, these are now set aside and of no use or effect.

However, as neither party attended the hearing the Landlord's Application is also **dismissed but with leave to reapply**. This does not extend any applicable time limits under the Act and I have made no findings of fact or law with respect to the merits of this Application.

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: September 25, 2015

Residential Tenancy Branch

