



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CHERRY POINT MARINA LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes AAT, FFT, LRE, OLC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution filed on October 10, 2017 wherein the Applicant sought the following relief:

- an Order restricting a Landlord's right to enter a rental unit;
- an Order allowing the Tenant access to the rental unit or manufactured home site;
- an Order that the Landlord comply with the *Manufactured Home Park Tenancy Act*, the *Residential Tenancy Regulation*, or the residential tenancy agreement; and,
- recovery of the filing fee.

This matter was set for hearing by telephone conference call at 10:30 a.m. on this date. The Respondent's legal counsel, D.W., and the Respondent's assistant manager, D.J. called into the hearing. The line remained open until 10 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing. The Applicant did not call in to the hearing.

D.J. stated that the Applicant was last seen on the Respondent's property on October 13, 2017 and has removed the RV which is at issue between the parties.

The *Residential Tenancy Branch Rules of Procedure* apply to matters brought pursuant to the *Residential Tenancy Act* and the *Manufactured Home Park Tenancy Act*. Rule 7 of the *Rules* provides in part as follows:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

As the Applicant did not call into the hearing by 10:40 a.m., and the Respondent appeared and was ready to proceed, **I dismiss the Applicant's 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 *Manufactured Home Park Tenancy Act*.

Dated: December 13, 2017

Residential Tenancy Branch