



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0913 241 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT CNC FFT OLC

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (1 Month Notice) pursuant to section 40;
- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 59,
- authorization to recover the filing fee for this application, pursuant to section 65; and
- an order requiring the landlords to comply with the *Act*, regulation or tenancy agreement pursuant to section 55.

The Applicants (tenants) did not attend this hearing. The landlord's agents WL and LB attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions.

Rule 7.3 of the Rules of Procedure provides as follows:

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.

In the absence of any evidence or submissions from the applicants, I order the tenants' entire application dismissed without liberty to reapply.

Section 48(1) of the *Act* reads as follows:

48 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 45 [*form and content of notice to end tenancy*], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

A copy of the 1 Month Notice was not submitted for this hearing. As I have no way of verifying whether the landlord's 1 Month Notice complies with section 45 of the *Act* and there is no separate application from the landlord before me, I am unable to issue an Order of Possession to the landlord.

Conclusion

I dismiss the tenants' entire application for dispute resolution without leave to reapply.

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: February 21, 2018

Residential Tenancy Branch