



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes OLC

Introduction

The Tenant filed an application for dispute resolution in November of 2017, requesting an order that the Landlord comply with the *Manufactured Home Park Tenancy Act* (the Act). A hearing was scheduled for February 15, 2018, at 10:30 am, but the Tenant did not attend the hearing. However, the Landlord did. As the Tenant did not show up for that hearing, her application was dismissed, without leave to reapply.

Subsequently, the Tenant applied for a review consideration, and stated she had technical issues calling into the hearing. As a result, our office granted a new review hearing on the basis that Tenant was unable to attend the original hearing because of circumstances beyond their control.

The review hearing was scheduled for April 6, 2018, at 9:00 am. The Landlord attended the hearing. However, the Tenant did not. Given that the Tenant failed to attend the review hearing, I dismiss her Review consideration application, without leave to reapply.

At a review hearing, I may confirm, vary or set aside the original decision or order. In this case, the Tenant has failed to attend the review hearing, which was set up because she was unable to attend the previous hearing. As a result, I confirm the original decision (dismissed, without leave to reapply) issued on February 19, 2018, which had been suspended pending the outcome of this review hearing.

Further, after reviewing the evidence and testimony from the Landlord on this matter, I note that the Landlord has already been granted an order of possession. The Landlord has been accepting rent payments for the last several months but made it clear to the Tenant that this was for use and occupancy only, as the tenancy was over. The Landlord stated she was trying to allow the Tenant some time to move her belongings.

However, the Tenant has still not vacated. Since the Landlord already has an order of possession, it is up to her when she chooses to enforce that order.

Conclusion

The original decision, issued on February 19, 2018, is confirmed. The Tenant's application is dismissed, in full, without leave to reapply.

The Landlord may enforce their order of possession.

This decision 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: April 6, 2018

Residential Tenancy Branch