



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AQUA PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, FFT

Introduction

On October 24, 2018, the Tenants submitted an Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act* (the “Act”) to request an order for the Landlord to comply with the Act and, to recover the cost of the filing fee. The matter was set for a participatory hearing via conference call.

The Tenants were emailed a copy of the Notice of a Dispute Resolution Hearing by the Residential Tenancy Branch on October 25, 2018. The Tenants; however, did not attend the teleconference hearing set for this date at 9:30 a.m. The phone line remained open for 11 minutes and was monitored throughout this time. The only person to call into the hearing was the Landlord who indicated that they were ready to proceed. I have confirmed that the file audit records indicate that the Tenants did not make any attempt to cancel the hearing prior to the start. I have also confirmed that the date, time and codes for the teleconference were correct and that the only persons showing on the teleconference system was the Landlord and myself.

Rule 7.1 of the *Residential Tenancy Branch - Rules of Procedure* stipulates 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.

After keeping the phone line open for 11 minutes, I dismissed the Tenants’ Application with leave to reapply as the Tenants failed to attend the hearing to present the merits of their Application.

Analysis

I find that the Application for Dispute Resolution has been abandoned by the Tenants.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Legislation. I have not made any findings of fact or law with respect to the 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: December 03, 2018

Residential Tenancy Branch