



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding FOUR GREEN PROPERTIES  
and [tenant name suppressed to protect privacy]

## **REVIEW HEARING DECISION**

Dispute Codes MT, CNR, MNDCT, OLC, FFT

### Introduction and Conclusion

This Review Hearing dealt with a new hearing of the tenants' original Application for Dispute Resolution ("application") seeking remedy under the *Manufactured Home Park Tenancy Act* ("Act").

On October 22, 2018 an arbitrator issued a decision which resulted in the tenants' application being dismissed without leave to reapply.

The tenants applied for and were granted a new Review Hearing which is a new hearing based on a Review Consideration Decision dated November 2, 2018. Both the original decision dated October 22, 2018 and the Review Consideration Decision dated November 2, 2018 should be read in conjunction with this decision.

In the November 2, 2018 Review Consideration Decision the arbitrator wrote as follows in part:

"...Pursuant to section 74(3) of the Act I order that the decision issued on October 22, 2018 is suspended until it is confirmed, varied or set aside.

Pursuant to section 75(2)(c) I order that a new hearing be held.

### **READ THE FOLLOWING CAREFULLY:**

**Notices of the time and date of the new hearing are included with this review consideration decision for the TENANTS to serve to the LANDLORD within three (3) days of receipt of this review consideration decision.**

At the same time as the Notice of Hearing is served the **TENANTS** must serve a copy of this review consideration decision to the **LANDLORD**.

**Each party** must serve the other and the Residential Tenancy Branch **with any evidence that they intend to rely upon at the new hearing. ...**

[Reproduced as written]

At the Review Hearing held this date, December 10, 2018 the tenant provided affirmed testimony that the tenants did not serve evidence on the Residential Tenancy Branch ("RTB") since receiving the Review Consideration Decision. The tenant confirmed this by stating that they did not serve the RTB by mail and had not been to a Service BC office since October 26, 2018. I note the Review Consideration decision was dated November 2, 2018 and that the tenants were advised that "**Each party** must serve the other and the Residential Tenancy Branch **with any evidence that they intend to rely upon at the new hearing.**" As the tenants failed to serve any evidence that they intend to rely upon at this Review Hearing which is a new hearing, **I confirm** the original decision dated October 22, 2018 pursuant to section 75(3) of the *Act*.

The original decision **stands and is of full force and effect.**

This decision is final and binding on the parties, unless 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 10, 2018

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Residential Tenancy Branch