



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CHEMAINUS GARDEND R.V. RESORT
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI FFT

Introduction

This hearing dealt with an application by the tenants pursuant to the *Manufactured Home Park Tenancy Act* (“the Act”) to:

- dispute an additional rent increase pursuant to section 62 of the *Act*; and
- return the filing fee pursuant to section 65 of the *Act*.

Only the respondent landlord’s agent, M.M.(the “landlord”) attended the hearing by way of conference call.

Analysis

While the landlord attended the hearing by way of conference call, the applicant tenants did not, although I waited until 11:10 A.M. in order to enable the applicant tenants to connect with this teleconference hearing scheduled for 11:00 A.M. The landlord who attended the hearing was given a full opportunity to be heard, to present testimony, to make submissions and to call witnesses.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Commencement of the hearing: 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.

Accordingly, in the absence of any oral submissions from the tenant to explain their application and in light of their non-attendance, I order the application dismissed without liberty to reapply.

Conclusion

In the absence of the tenants' participation in this hearing, I order the application dismissed without liberty to reapply.

The tenants must bear the cost of their own filing fee.

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: April 12, 2019

Residential Tenancy Branch