



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding INFINITY PROPERTIES (HIDEAWAY)
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **CNC FFT MNDCT**

Introduction

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

An order to cancel a One Month Notice to End Tenancy for Cause ("Notice") pursuant to section 40;

Authorization to recover the filing fees from the landlord pursuant to section 65; and

A monetary order for damages or compensation pursuant to section 60.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 a.m. to enable the tenants to call into this teleconference hearing scheduled for 11:00 a.m.

The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

Preliminary Issue

The landlord testified that the rental unit consists of a pad located in a manufactured home park and the dispute resolution should fall under the *Manufactured Home Park Tenancy Act*. In accordance with rule 4.2 of the Rules of Procedure, the application was amended to reflect the correct Act.

Background and Evidence

The tenant/ applicant did not call into the hearing to present any evidence.

Analysis

Rule 7.3 of the Rules of Procedure provides that 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. Rule 7.4 states that evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend to present evidence, any written submissions supplied may or may not be considered.

The tenant did not attend the hearing which was scheduled by conference call at 11:00 a.m. and concluded at 11:10 a.m. As he did not attend, he did not present evidence regarding the merits of his claim for me to consider.

Consequently, I dismiss the tenant's application without leave to reapply.

Conclusion

The tenant's application is dismissed 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: October 21, 2019

Residential Tenancy Branch