



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP

### Introduction

This hearing dealt with the tenant's application pursuant to the *Manufactured Home Park Tenancy Act* (the "Act") for an order for emergency repairs pursuant to section 55.

The landlord attended the hearing accompanied by her agent, DD ("landlord"). The tenants did not attend the hearing although I left the teleconference hearing connection open until 9:41 a.m. to enable the tenants to call into this teleconference hearing scheduled for 9:30 a.m.

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. The landlord was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that she was not served with an Application for Dispute Resolution Proceedings Package by the tenant. The only notice she received was a Notice of Dispute Resolution Proceedings emailed to her agent, DD by the Residential Tenancy Branch.

### Preliminary Issue

In accordance with Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* ("Rules"), this hearing was conducted in the absence of the tenant.

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 tenants did not attend the hearing which was scheduled for conference call at 9:30 a.m. and concluded at 9:41 a.m. As they did not attend, they did not present evidence regarding the merits of their claim for me to consider. Consequently, I dismiss the tenants' application without leave to reapply.

Conclusion

The tenants' 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: December 09, 2019

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Residential Tenancy Branch