



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFL OPRM-DR**

Introduction

On November 19, 2019, an Adjudicator appointed pursuant to the *Manufactured Home Park Tenancy Act* (“Act”) issued a monetary order and an order of possession. She did so on the basis of an ex parte application using the Residential Tenancy Branch’s direct request process.

On November 30, 2019, an Arbitrator appointed pursuant to the *Act* suspended the monetary order on the basis that the tenant had new and relevant evidence that she was not permitted to provide for the landlord’s direct request proceeding as the landlord’s application was made ex parte. The arbitrator did not suspend the order of possession. The Arbitrator ordered that a participatory hearing be reconvened to allow the tenant the opportunity to provide evidence in order for me to determine whether to confirm the original monetary order.

On the review consideration decision, the arbitrator gave the following order:

Notices of the time and date of the hearing are included with this Review Consideration Decision for the review applicant to serve the review respondent within 3 days of receipt of this Decision.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:12 a.m. to enable the tenant to call into this teleconference hearing scheduled for 11:00 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 attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord testified that he was not served with the notice of the time and date of the hearing or the

Review Consideration Decision by the review applicant, the tenant. The landlord contacted the Residential Tenancy Branch on January 31, 2020 and was provided with the information by an information officer.

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. As the tenant did not attend the hearing, the tenant did not present evidence regarding the merits of her claim for me to consider. Further, as the review applicant, the tenant did not serve the landlord with the notice of the hearing and review consideration decision as directed by the review Arbitrator.

For these reasons, I dismiss the tenant's application without leave to reapply.

Conclusion

The monetary order issued on November 19, 2019 is confirmed.

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: February 05, 2020

Residential Tenancy Branch