



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RETIRE WEST COMMUNITIES
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, RP, LRE

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

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 55;
- an order to the landlord to make repairs to the rental unit pursuant to section 55;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 63.

Counsel for both parties attended the hearing via conference call. At the outset, both parties confirmed that they are seeking an adjournment of the hearing as both parties feel that a settlement is close to be reached.

Both parties consented to an adjournment of the hearing and I find that there is no bias to either party in granting the request, the hearing is adjourned. Both parties were instructed that a notice of hearing package for an adjournment would be served to both parties to those addresses confirmed on the tenants' application for dispute. I also order that no further evidence to be submitted.

On July 16, 2020 the hearing resumed, but neither party attended.

This matter was set for a conference call hearing at 11:00 a.m. on this date. Both parties failed to attend the hearing by way of conference call. I waited until 11 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Adjourned Notice of Dispute. I also confirmed from the teleconference system that I was the only person who had called into this teleconference.

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

7.3 Consequences of not attending the hearing

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.

7.4 Evidence must be presented

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 the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from either party and in the absence of both parties participation in this hearing, I order the application dismissed with leave to reapply. I make no findings on the merits of the matter. Leave to reapply is not an extension of any applicable limitation period.

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: July 17, 2020

Residential Tenancy Branch