



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kozel Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **RP, PSF, RR, FFT, MNDCT, OLC**

Introduction

This hearing was scheduled for 9:30 a.m. on this date, via teleconference call, to deal with a tenant's application for several remedies including: orders for repairs, orders for landlord's compliance with the Act, regulations or tenancy agreement; orders for the landlord to provide services or facilities, monetary compensation for damages or loss under the Act, regulations or tenancy agreement; and, authorization to reduce rent payable.

At the commencement of the hearing, the landlord's representative and legal counsel appeared; however, there was no appearance on part of the tenants despite leaving the teleconference call open at least 10 minutes to give the tenants sufficient opportunity to appear.

The landlord's legal counsel stated the landlord did not receive the tenant's original proceeding package or evidence. Rather, the only documents received was the Amendment and some receipts that accompanied the Amendment. Upon receipt of the Amendment, the landlord's representative contacted the tenants to inform them they had not received the proceeding package and evidence. The tenant in turn emailed the landlord's representative a copy of the Notice of Dispute Resolution Proceeding in mid-December 2020; however, the complete proceeding package was not received and nor was the tenant's evidence. As such, the landlord's representative confirmed that the landlord was not in a position to proceed to respond to the tenant's claims even if the tenants appeared for the hearing.

Since the tenants did not appear but the landlord was not prepared to proceed to respond to the tenant's claims, having not been duly served, I informed the landlord's representatives that I was of the view it would be appropriate to dismiss this Application for Dispute Resolution with leave to reapply. The landlord's representative did not

object. Therefore, this Application for Dispute Resolution is dismissed with 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: January 22, 2021

Residential Tenancy Branch