



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OLC, MNDC, RP, PSF, RR, FF

Introduction

This hearing was convened as the result of the tenants' successful Application for Review Consideration.

This dispute began as a result of the tenants' original application for dispute resolution under the Manufactured Home Park Tenancy Act (Act) filed September 2, 2020, for:

- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement;
- compensation for a monetary loss or other money owed;
- an order requiring the landlord to make repairs to the manufactured home site;
- an order requiring the landlord to provide for services or facilities required by the tenancy agreement or the Act;
- a reduction in monthly rent; and
- to recover the cost of the filing fee.

A hearing on the tenants' application was scheduled and convened on October 30, 2020. At the hearing, the tenants did not attend; however, the landlord attended. In a Decision of October 30, 2020, the original arbitrator dismissed the tenants' application for dispute resolution, without leave to reapply, as the tenants failed to attend the hearing.

The tenants filed an Application for Review Consideration which resulted in a Decision by another arbitrator with the Residential Tenancy Branch (RTB), on November 6, 2020, granting the tenants a new hearing on their original application for dispute resolution. That Decision should be read in conjunction with this decision.

This was the new hearing on the tenants' original application for dispute resolution.

At the present hearing, both tenants attended; however, the landlord did not attend.

As the landlord was not present, service of the hearing documents was considered.

Preliminary and Procedural Matters - Service of the hearing documents

The tenants said they had not served the landlord with the Notice of the time and date for this hearing or the Decision granting a new hearing.

The tenants admitted they were not aware that they had to serve the landlord with these documents, as instructed in the Review Consideration Decision of November 6, 2020.

Section 82(1) of the Act requires that the decision of the director to proceed with a review under Division 2 of Part 6, when required to be given to one party by another, must be given by personally handing the documents to that person or by registered mail.

Conclusion

I find the decision of the Director allowing the matter to proceed with a review was not served to the landlord according to the requirements of section 82(1) of the Act as described above. For that reason, I therefore **dismiss** the tenants' application, **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 28, 2021

Residential Tenancy Branch