



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDCT

Introduction

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

- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 39; and
- a monetary order for \$9,000.00 for compensation under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 60.

While the respondent two landlords (male and female) attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:41 a.m. in order to enable the tenant to connect with 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 two landlords and I were the only people who called into this teleconference.

Both landlords were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The female landlord confirmed that she assisted the male landlord, who is the owner, with tenancy duties and English translation, and that she had permission to speak on his behalf.

During the hearing, I informed the female landlord that the two landlords were not permitted to record the hearing, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure*. The female landlord affirmed under oath that the two landlords would not record this hearing.

I explained the hearing process to the landlords. The landlords had an opportunity to ask questions. The landlords did not make any adjournment or accommodation requests.

The female landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 82 and 83 of the *Act*, I find that both landlords were duly served with the tenant's application.

Pursuant to section 57(3)(c) of the *Act*, I amend the tenant's application to correct the male landlord's first name to include his legal name. Both landlords consented to this amendment during the hearing. I find no prejudice to the tenant in making this amendment.

The female landlord stated that the tenant owned her trailer and rented the pad from the landlords.

Preliminary Issue – Dismissal of Tenant's Application

Rule 7.3 of the *RTB Rules of Procedure* provides as follows:

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.

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply.

Analysis

Pursuant to section 48 of the *Act*, if I dismiss the tenant's application to cancel a 10 Day Notice, the landlord is entitled to an order of possession, provided that the notice meets the requirements of section 45 of the *Act*.

The female landlord stated that an approved RTB form was not used to issue a 10 Day Notice to the tenant. She said that the landlords did not require an order of possession against the tenant because the tenant vacated the rental unit on March 26, 2021.

I notified the female landlord that I would not issue an order of possession to the landlords, against the tenant. The female landlord confirmed her understanding of and agreement to same.

Conclusion

The tenant's entire application is dismissed without leave to reapply.

The landlords are not entitled to an order of possession against the tenant.

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: June 22, 2021

Residential Tenancy Branch