



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NO. 151 CATHEDRAL VENTURES
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes PSF, MNDCT, FFT

Introduction

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

- an order requiring the landlord to provide services or facilities required by law, pursuant to section 58;
- a monetary order for compensation under the *Act*, *Manufactured Home Park Tenancy Regulation* or tenancy agreement, pursuant to section 60; and
- authorization to recover the filing fee for this application, pursuant to section 65.

The landlord's two agents, landlord WP ("landlord") and "landlord RD," and the tenant's two agents, "tenant's agent RH" and "tenant's agent KW," and another "tenant DN" attended the hearing and were each given a full opportunity to be heard, to present submissions and to call witnesses. This hearing lasted approximately 34 minutes.

The landlord confirmed that he is the president of the landlord company named in this application and that he had permission to speak on its behalf. He said that the landlord company owns the manufactured home "park" and "sites." He stated that landlord RD is his manager and had permission to speak on behalf of the landlord company.

Tenant's agent RH and tenant's agent KW both confirmed that they had permission to represent the tenant named in this application. Tenant's agent KW stated that the tenant is in the hospital and could not attend this hearing.

I informed both parties that Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* does not permit recording of a hearing by anyone. At the end of this hearing, all hearing participants confirmed that they did not record this hearing.

I explained the hearing process to both parties. Both parties had an opportunity to ask questions. Neither party made any adjournment or accommodation requests.

At the outset of this hearing, tenant's agent KW stated that the tenant intended to file a joiner application but was unable to do so because it was too late after the RTB deadline. She confirmed that a number of tenants in the same park wanted to file similar applications relating to similar services and facilities, against the same landlord, as noted in this application. She explained that she herself was a tenant, along with tenant DN and the tenant named in this application, who wanted their applications to be heard together at the same hearing. She stated that documents were submitted by other tenants, including tenant DN, relating to their own claims at their own sites, as part of this tenant's current application. She maintained that no other RTB applications had been filed yet by the other tenants. She said that some tenants who wanted to file a joiner application were not present at this hearing and she did not have permission to speak on their behalf.

The landlord stated that he is willing to deal with all tenant applications at the same hearing through a joiner application. He provided a service address for all tenants to serve the landlord company with RTB-hearing related documents, which is noted on the cover page of this decision. He confirmed that the landlord company would not accept service of documents at the park or through the managers at the park. The tenant's agent KW confirmed the landlord company's service address during this hearing and confirmed that all tenants would use this address for future RTB applications against the landlord company.

Tenant's agent KW agreed that the tenant named in this application, would file a new joiner application at the RTB with the other tenants, against the landlord company, to deal with the same matters at one hearing.

Rule 2.10 of the RTB *Rules of Procedure* states the following:

2.10 Joining applications

Applications for Dispute Resolution may be joined and heard at the same hearing so that the dispute resolution process will be fair, efficient and consistent. In considering whether to join applications, the Residential Tenancy Branch will consider the following criteria:

- a) whether the applications pertain to the same residential property or residential properties which appear to be managed as one unit;*
- b) whether all applications name the same landlord;*

*c) whether the remedies sought in each application are similar; or
d) whether it appears that the arbitrator will have to consider the same facts and make the same or similar findings of fact or law in resolving each application.*

I notified both parties that based on their consent and in order to deal with these similar matters against the same landlord at the same park efficiently, fairly, and consistently, as per Rule 2.10 above, the tenant named in this application, together with other tenants in the same park, could file a joinder application at the RTB to obtain approval to have all matters heard together at the same hearing.

I informed both parties that the tenant's application, except for the filing fee, is dismissed with leave to reapply. I notified them that the tenant would be required to file a new application and pay a new filing fee or apply for a fee waiver, if he wanted to pursue this matter in the future. Both parties confirmed their understanding of same.

Both parties expressed an interest in settlement but were unable to have settlement discussions during this hearing, as not all tenants or their agents were present. Both parties were informed that settlement agreements could occur outside and within the RTB hearing process. Both parties confirmed their understanding of same.

I am not seized of this application or any of the other applications, as I have not heard substantive evidence regarding any of these files.

Conclusion

The tenant's application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of the tenant's application 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: August 31, 2021

Residential Tenancy Branch