



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRAVIS ISLAND MOBILE HOME
PARK and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 40;

The tenant attended the hearing via conference call and provided undisputed testimony. The landlord did not attend or submit any documentary evidence.

At the outset, the tenant stated that she has since sold the manufactured home and has come to an agreement with the landlord. The tenant has submitted a typed letter dated September 8, 2021 in which the named landlord has withdrawn the notice to end tenancy dated April 1, 2021. The tenant stated that she wished to cancel the application for dispute.

The withdrawal process was explained to the tenant as no signed agreement was provided. The hearing process was explained to the tenant. The hearing was paused to allow the landlord an opportunity to call into the conference call hearing and participate, make submissions and present evidence.

This matter was set for a conference call hearing at 9:30 a.m. on this date. I waited until 10 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 Notice of Hearing. 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 the landlord and in the absence of landlord's participation in this hearing, I order the application dismissed as the tenant has requested that her application be cancelled. I make no findings on the merits of the matter.

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: September 13, 2021

Residential Tenancy Branch