



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WINTER BLOSSOM HOLDINGS
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (application) seeking remedy under the *Manufactured Home Park Tenancy Act* (Act). The tenant applied for emergency repairs and to recover the filing fee.

The tenant was provided with a copy of the Notice of a Dispute Resolution Hearing dated October 6, 2021. The tenant, however, did not attend the hearing set for this date, November 1, 2021 at 9:30 a.m. Pacific Standard Time. The phone line remained open for 16 minutes and was monitored throughout this time. The only persons to call into the hearing was counsel for the landlord company (counsel) and 2 directors for the landlord company, TYC and TMC (directors).

Preliminary and Procedural Matters

Counsel and the directors were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. Counsel and the directors were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, counsel and the directors were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. Counsel and the directors did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, the directors confirmed their email addresses and were advised that the decision would be emailed to them.

In addition to the above, counsel stated that they wanted a decision to be made regarding jurisdiction under the Act. Counsel also submitted a previous decision dated January 8, 2018 (Previous Decision), the file number of which has been included on the style of cause for ease of reference. In the Previous Decision, the arbitrator determine that the *Residential Tenancy Act* did not apply to this residential address/living arrangement. Counsel submits that the *Manufactured Home Park Tenancy Act* does apply as the land (site) was rented to the tenant with the understanding that they would be moving a manufactured home onto the site, which the tenant did. That manufactured home remains on the site as of the date of this hearing. Counsel referred to the lease agreement dated June 2011 in support of their submissions.

Section 2 of the Act applies and states:

What this Act applies to

2(1) Despite any other enactment but subject to section 4 [*what this Act does not apply to*], this Act applies to tenancy agreements, manufactured home sites and manufactured home parks.

(2) Except as otherwise provided in this Act, this Act applies to a tenancy agreement entered into before or after the date this Act comes into force.

Given the above, I find the Act does apply to the manufactured home site that is the subject of this dispute.

After the 10-minute waiting period, the tenant's application was **dismissed without leave to reapply** in accordance with Rule 7.1 and Rule 7.3 of the Residential Tenancy Branch (RTB) Rules of Procedure (Rules), which address consequences for not attending a dispute resolution hearing.

As the tenant's application was dismissed in full, I do not grant the filing fee.

Conclusion

The application is dismissed without leave to reapply as the tenant did not attend the hearing to present the merits of their application.

I find the Act applies to the site as noted above.

I do not grant the filing fee as noted above.

This decision will be emailed to both parties as noted above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 1, 2021

Residential Tenancy Branch