Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NEWTON MOBILE HOME PARK LTD (BC CORP BC0731474) and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OT, FF

Introduction, Preliminary and Procedural Matters-

This matter convened by teleconference on October 1, 2021, to deal with the tenant's application for dispute resolution seeking remedy under the Manufactured Home Park Tenancy Act (Act).

The tenant applied for another issue not listed, a monetary order for compensation under the Act, and to recover the cost of the filing fee.

The tenant, the landlord's agent/property manager, LM, and the landlord's legal counsel (counsel) attended the original hearing and due to insufficient time, the hearing was adjourned in order to consider the evidence and submissions.

An Interim Decision was issued on October 12, 2021, in which the hearing was adjourned to a date and time to be set by the Residential Tenancy Branch (RTB).

The tenant and landlord were provided with a Notice of Dispute Resolution Proceeding via email/and or mail from the RTB on February 18, 2022, at 1:22 pm.

The reconvened hearing began at 9:30 a.m. Pacific Time on Monday, March 7, 2022, as scheduled and the telephone system remained open and was monitored for 10 minutes.

At the reconvened hearing on March 7, 2022, the landlord's agent/property manager, LM, and a representative from counsel's office attended. The tenant/applicant failed to attend.

Rules 7.3 and 7.4 of the 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.

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, the tenant's application was **dismissed without leave to reapply,** as the tenant failed to attend the entire proceeding by not attending the hearing on March 7, 2022. It is not necessary to consider anything further as the tenant was required to attend the hearing to present their evidence.

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*. Pursuant to section 70(1) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: March 7, 2022

Residential Tenancy Branch