



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1519569 ALBERTA LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

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

- an early end to tenancy and an order of possession, pursuant to section 49; and
- authorization to recover the \$100.00 filing fee paid for this application, pursuant to section 65.

While the respondent tenant and his lawyer attended the hearing by way of conference call, the applicant landlord did not, although I waited until 9:41 a.m. in order to enable the landlord to connect with this teleconference hearing scheduled for 9:30 a.m.

I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes were provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant, the tenant's lawyer, and I were the only people who called into this teleconference.

The tenant and his lawyer were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant stated that he was calling from his work site and there may be loud noises in the background. He said that he could not miss work to attend this hearing.

The tenant and the tenant's lawyer confirmed their names and spelling. The tenant asked that a copy of this decision be sent to his lawyer. The tenant's lawyer provided his email address for me to send this decision to him.

The tenant confirmed that his lawyer had permission to speak on his behalf at this hearing. The tenant identified his lawyer as the primary speaker for the tenant at this hearing.

The tenant's lawyer confirmed that the tenant occupies a manufactured home ("home") in a manufactured home park ("park"). The tenant provided the home and park address.

Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure ("Rules")* does not permit recording of this hearing by any participant. At the outset of this hearing, the tenant affirmed, under oath, that he would not record this hearing. The tenant's lawyer confirmed that he would not record this hearing.

At the outset of this hearing, I explained the hearing process to the tenant and his lawyer. They had an opportunity to ask questions. They did not make any adjournment or accommodation requests.

The tenant's lawyer confirmed receipt of the landlord's application for dispute resolution hearing package. In accordance with section 82 of the *Act*, I find that the tenant was duly served with the landlord's application.

Pursuant to section 57(3)(c) of the *Act*, I amend the landlord's application to add the home address, as the landlord only included the park address. I find no prejudice to either party in making this amendment.

Rule 7.3 of the RTB *Rules* 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 landlord, I order the landlord's entire application dismissed without leave to reapply.

I informed the tenant and his lawyer of my decision during this hearing. They confirmed their understanding of same.

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 26, 2022

Residential Tenancy Branch