



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNLC

### Introduction

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

- cancellation of the landlord's Twelve Month Notice to End Tenancy for Conversion of a Manufactured Home Park ("12 Month Notice"), pursuant to section 42.

The tenant did not attend this hearing, which lasted approximately 12 minutes. The landlord and her articling student agent attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing began at 9:30 a.m. with me and the landlord's agent present. The landlord called in late at 9:36 a.m. This hearing ended at 9:42 a.m.

I monitored the teleconference line throughout this 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 the landlord, her agent, and I were the only people who called into this teleconference.

The landlord and her agent confirmed their names and spelling. The landlord confirmed that she owns the rental unit. She provided the rental unit address. She stated that her agent had permission to represent her at this hearing. The landlord's agent provided his email address for me to send this decision to the landlord after the hearing.

Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules") does not permit recordings of any RTB hearings by any participants. At the outset of this

hearing, the landlord and her agent both separately affirmed, under oath, that they would not record this hearing.

I explained the hearing process to the landlord and her agent. They had an opportunity to ask questions. They did not make any adjournment or accommodation requests.

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

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 applicant tenant, I order the tenant's entire application dismissed without leave to reapply. I informed the landlord and her agent of my decision verbally during this hearing. They confirmed their understanding of same.

Pursuant to section 48 of the *Act*, if I dismiss the tenant's application to cancel a 12 Month Notice, the landlord may be entitled to an order of possession, if the notice meets the requirements of section 45 of the *Act*.

The landlord stated that she did not require an order of possession against the tenant because the tenant moved out. I notified the landlord and her agent that I would not issue an order of possession to the landlord, since one was not required. They both confirmed their understanding of and agreement to same.

I also informed the landlord and her agent that I could not issue an order of possession since neither party provided a copy of the 12 Month Notice for this hearing, so I could not determine whether it complies with section 45 of the *Act*.

### Conclusion

The tenant's entire application is dismissed without leave to reapply.

The landlord is not issued an order of possession against the tenant.

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: December 08, 2022

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Residential Tenancy Branch