



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0933073 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP

Introduction and Preliminary Matters

On November 29, 2022, the Tenant made an Application for Dispute Resolution seeking an Emergency Repair Order pursuant to Section 55 of the *Manufactured Home Park Tenancy Act* (the “Act”).

On December 7, 2022, this Application was originally set down to be heard on January 9, 2023, at 9:30 AM. This Application was subsequently adjourned, for reasons set forth in the Interim Decision dated January 11, 2023. This Application was then set down for a final, reconvened hearing on January 27, 2023, at 11:00 AM.

H.G. attended the final, reconvened hearing as an agent for the Landlord; however, the Tenant did not attend at any point during the final, reconvened hearing. At the outset of the final, reconvened hearing, H.G. provided a solemn affirmation.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 11:00 AM and monitored the teleconference until 11:11 AM. Only a representative for the Respondent dialed into the teleconference during this time. 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 other person who had called into this teleconference.

I find it important to note that the burden of proof is on the Applicant to substantiate the reasons for the Application. As the Tenant did not attend the final, reconvened hearing to present her evidence to justify the Application, I am not satisfied that the Tenant has established any grounds to substantiate her claims for an Emergency Repair Order. Therefore, the Tenant's Application is dismissed without leave to reapply.

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: January 27, 2023

Residential Tenancy Branch