



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding SAGE AND SANDS MOBILE HOME
PARK and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, OLC

Introduction

This hearing dealt with an Application for Dispute Resolution (Application) filed by the Tenant under the *Manufactured Home Park Tenancy Act* (the Act) and two Amendments to the Application (Amendments), seeking;

- Compensation for monetary loss or other money owed; and
- An Order for the Landlord to comply with the Act, regulation, park rules, or tenancy agreement.

The hearing was convened by telephone conference call at 11:00 am on April 25, 2023, and was attended by the Tenant and an agent for the Landlord AH (Agent), both of whom provided affirmed testimony. As the Agent acknowledged receipt of the Notice of Dispute Resolution Proceeding (NODRP), and stated there were no concerns with regards to the service date or method, the hearing proceeded as scheduled.

The parties were advised that interruptions and inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The parties were asked to refrain from speaking over me and one another and to hold their questions and responses until it was their opportunity to speak. The parties were also advised that personal recordings of the proceeding were prohibited under the Rules of Procedure and confirmed that they were not recording the proceedings.

In their Application and Amendments, the Tenant sought remedies under multiple sections of the Act. Section 2.3 of the Rules of Procedure states that claims made in an Application must be related to each other and that arbitrators may use their discretion to dismiss unrelated claims with or without leave to reapply.

As the Tenant applied for an order that the Landlord comply with the Act, regulation, park rules, and tenancy agreement, and was given a priority hearing spot as a result, I find that the priority claim relates to the order for the Landlord to comply. As a result, and as a decision on whether the Landlord is required to comply with the Act, regulation, park rules, and tenancy agreement, will require different evidence, testimony, sections of the Act, and findings of fact, than a decision on whether or not the Tenant has satisfied me that they are entitled to monetary compensation and the amount of that compensation, I therefore exercise my discretion to dismiss the Tenant's monetary claims with leave to reapply. As a result, the hearing proceeded based only on the Tenant's Application seeking an order for the Landlord to comply with the Act, regulation, park rules, or tenancy agreement.

The Tenant subsequently testified that they wish to withdraw the Application as they have sold their manufactured home and either have a claim before the Small Claims Court of British Columbia (BCSC) or intend to file or amend one, in relation to some or all the matters claimed in the Application and Amendments. No objections were raised by the Agent. As a result, I accept the Tenant's request for withdrawal and the Application is withdrawn accordingly. The Tenant remains at liberty to reapply, should they wish to do so. This is not an extension of any statutory deadline.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 25, 2023

Residential Tenancy Branch