



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNC, MNDCT, PSF, LRE, OLC, FFT

### Introduction

The Tenant applied for dispute resolution (“Application”) and seeks the following:

- an order canceling a One Month Notice to End Tenancy for Cause under section 40 of the *Manufactured Home Park Tenancy Act* (the Act);
- compensation for monetary loss or other money owed under section 60 of the Act;
- for the Landlord to provide services or facilities under section 58 of the Act;
- to suspend or set conditions on the Landlord's right to enter the site under section 63 of the Act;
- for the Landlord to comply with the Act under section 55 of the Act; and
- to recover the filing fee from the Landlord under section 65 of the Act

The Tenant and their spouse attended the hearing and affirmed to tell the truth during the hearing. The Tenant was given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Although I waited until 11:18 AM to enable the Respondent Landlord to connect with this teleconference hearing scheduled for 11:00 AM, the Landlord did not attend.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. During the hearing, I also confirmed from the online teleconference system that the Tenant and I were the only parties who had called into this teleconference.

Rule 7.1 of the *Rules of Procedure* states that a hearing will commence at the scheduled time, unless otherwise set by the Arbitrator.

Rule 7.3 of the *Rules of Procedure* states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application with or without leave to reapply.

Accordingly, the hearing proceeded in the absence of the Landlord.

The Tenant testified that they did not serve the Landlord with the Notice of Dispute Resolution Package (the Materials). The Tenant was required to serve the Materials on the Landlord within three days of them being made available by the Residential Tenancy Branch, pursuant to rule 3.1 of the *Rules of Procedure*.

Given that the Tenant's Application was not served to the Landlord and therefore the Landlord had no notice of the Application or an opportunity to respond, the Tenant's Application is dismissed with leave to reapply. Leave to reapply is not an extension of timeline to apply.

As the Tenant's Application was not successful, they must bear the cost of the filing fee.

### Conclusion

The Application is dismissed with 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 Act.

Dated: June 01, 2023

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Residential Tenancy Branch