



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DBA CREEKSIDE CAMPGROUND  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, LRE, OLC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the applicants to cancel a 1 Month Notice to End Tenancy for Cause, to suspend or set conditions on the respondent's right to enter the site and to have the respondent comply with the *Manufactured Home Park Tenancy Act* (the "Act").

Both parties appeared.

### Preliminary and Procedural matters

On September 14, 2016, the applicants filed an Application for Dispute Resolution. On October 18, 2016, both parties attended a dispute resolution hearing. At the hearing the Arbitrator determined that the *Act* does not apply and declined to hear the matter due to lack of jurisdiction.

On October 26, 2016, the applicants filed an Application for Review Consideration seeking a review of the decision made on October 18, 2016. A new hearing was granted and the original decision of September 14, 2016, was suspended until the new hearing has been completed and a decision is given.

The new hearing was held on November 17, 2016. The Arbitrator has not given a decision on the matter as of today's date, December 9, 2016, whether to confirm, vary or set aside the original decision made on October 18, 2016.

On October 18, 2016, the applicants filed a second Application for Dispute Resolution, identifying the same issues that were heard on October 18, 2016 and again at the new hearing on November 17, 2016.

The applicant stated that they filed the second Application for Dispute Resolution because the respondent indicated after the October 18, 2016, that they would be seeking bailiff services to have them removed from the site. The fact that the respondent was exercising their legal rights at the time, as the Arbitrator on October 18, 2016, found the *Act* did not apply. It does not give the tenants a third opportunity to reargue the matter in a dispute resolution hearing.

The original decision was suspended until the outcome of the review hearing and was not stayed on a Judicial Review in the Supreme Court of British Columbia. I find filing a second application based on the same issues is an abuse of the dispute resolution process. The applicants must wait until a decision is made on the hearing held on November 17, 2016. Therefore, I dismiss the applicants' application.

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 09, 2016

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Residential Tenancy Branch