



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, OLC, FF, (SS)

Introduction

This matter dealt with 2 applications by the Tenants for a monetary order for compensation for damage or loss under the Act or tenancy agreement as well as to recover the filing fee for this proceeding. The Tenants also applied for an Order that the Landlord comply with the Act.

Issues(s) to be Decided

1. Are the Tenants entitled to be reimbursed for deductions made by the Landlord to compensation payable under s. 44 of the Act?
2. Are the Tenants entitled to compensation for the fair market value of their manufactured home?

Background and Evidence

This tenancy started in the Spring of 2008 and ended in January of 2009 pursuant to a 12 Month Notice to End Tenancy for Conversion of Manufactured Home Park dated January 12, 2008. The Tenants claim that in January 2009, the Landlord paid them the 12 month pad rent compensation required under s. 44 of the Act but deducted \$784.00 for waste disposal fees. The Landlord claims that the Tenants were advised in November 2008 not to use the Park's dumpster for the debris from dismantling their trailer, however they continued to do so and the Landlord had to dispose of 2 dumpsters filled with the Tenants' debris (which the Tenants deny).

The Tenants also claim that pursuant to the Manufactured Home Park Tenancy Amendment Act, 2007, s. 44 of the Act was amended to provide that "a park owner pay those tenants who are unable to relocate their manufactured homes because of local building standards an amount equal to the fair market value of the manufactured home as compensation." The Tenants claim that due to the age of their manufactured home, they were unable to relocate it to a park in the surrounding area and had to donate it to charity. The Tenants received a donation receipt for \$3,000.00 which reduced their taxable income by \$1,311.00.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

Analysis

The legislation referred to by the Tenants (Bill M204-2007) was proposed but never enacted. Consequently, I find that there is no authority for the Tenants' application to recover compensation for the market value of their manufactured home and it is dismissed.

With respect to the Tenants' second application, I find that the Landlord was not entitled to make a deduction for disposal expenses from their 12 month rent compensation without the Tenants' written authorization or an order from the Director. I also find that there is no authority under the Act for applying interest to the unpaid amount. As the Tenants have been successful on this application, they are entitled to recover their \$50.00 filing fee for this application only.

Conclusion

A monetary order in the amount of **\$834.00** has been issued to the Tenants and a copy of it must be served on the Landlord. If the amount is not paid by the Landlord, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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

Dated: July 14, 2009.

Dispute Resolution Officer