



# **Dispute Resolution Services**

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes:** MNDC and FF

### **Introduction**

This application was brought by the tenant seeking a Monetary Order for \$25,000 for damage or loss under the Act and recovery of the filing fee for this proceeding. Specifically, the applicant cites harassment, loss of quiet enjoyment, project interference, approval delays and site reduction.

As a preliminary matter, the tenant submitted a written request prior to the hearing to have this matter adjourned as he awaited a response to a freedom of information request pertaining to a police matter. The tenant had not provided the landlord with a copy of the request, and the landlord objected to the adjournment on the grounds that it addressed a trivial matter in which both he and the tenant had sought police assistance. No charges had arisen.

On hearing the submissions of both parties on the question, I found that adjournment was not warranted by the circumstances and the hearing proceeded.

### **Issue(s) to be Decided**

This matter requires a decision on whether the tenant is entitled to Monetary Order for the damages and losses as claimed.

## **Background and Evidence**

This tenancy began on June 19, 1996 and pad rent is currently \$527 per month.

According to the landlord, this tenancy has been the subject of approximately seven hearings, all brought by the tenant and all dismissed.

As the tenant brought voluminous evidence going back to 1996 when there was a dispute over the size of the tenant's site, and as much of that evidence retraced matters already addressed at hearing and, therefore, *res judicata*, I asked the tenant to focus on contemporary claims.

The tenant's most recent concern arose from his purchase in September of 2008 of a partially dismantled trailer which he told the park manager he intended to refurbish in the near future. After a period of it sitting untouched in his driveway for up to a month according to the landlord and a lesser period according to the tenant, the tenant was asked to move the trailer to the RV parking area of the park. After a period of approximately three months with the restoration not having begun, the tenant was asked to move the project off the property.

Photographic evidence of the unit in question indicates that it was derelict and I find that the landlord not only acted reasonably in asking that it be removed, but that the landlord had exercised exceptional tolerance in allowing it to remain for as long as he did.

On a number of other less contemporary matters, the landlord submitted documentary evidence to show that the landlord had not breached the tenant's right to quiet enjoyment.

For example, when the landlord had brought in a load of stone for landscaping the park, the tenant filed complaints with bylaw and fisheries officials who both found the complaint groundless.

On another matter, the tenant complained that four persons had been on his property taking measurements when he was not home. The landlord gave evidence that this was in aid of investigating matter in which the tenant had laid rope encroaching on a neighbour's site which apparently the tenant sought to occupy. The landlord stated that the tenant had repeatedly refused to accept the boundaries of the site he had initially agreed to.

The landlord also pointed further examples to illustrate that the tenant had only been addressed on matters where he had been in breach of park rules, and that the tenant had a pattern of generating complaints over normal park maintenance activity.

### **Analysis**

I find that tenant has not proven any activities by the landlord that unreasonably encroached upon his right to quiet enjoyment and that, in fact, the landlord has been tolerant and accommodating in dealings with the tenant.

### **Conclusion**

I find the application is without merit and it is dismissed without leave to reapply.