



Dispute Resolution Services

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

INTERIM DECISION

Dispute Codes: ERP, MNDC & FF

Introduction

This application was brought by the tenant on August 28, 2009 seeking an order for remediation of the manufactured home park site due to erosion of the adjoining bank, a Monetary Order for loss or damages for \$1,500 and recovery of the filing fee for this proceeding.

Issues to be Decided

This application requires a decision on whether there is an appropriate and possible remedy available by way of an Order for Emergency Repairs and/or an order for monetary compensation as sought by the tenant.

Background and Evidence

This tenancy began in June of 1995. Pad rent is \$465 (rising to \$475 January 1, 2010). The manufactured home in question was built in 1974. The present owner took possession of the park in January of 2008.

At the commencement of the hearing, the landlord advised that remediation requested might well be rendered impossible as the proximity of it to a water course makes it subject to riparian rights regulations that are much more restrictive than when the home was originally sited.

He said that he has requested an assessment from Enkron Environmental but their report is not yet available. Therefore, the landlord requested and I concur that this matter should be adjourned to accommodate that report, taking into account his view that there is no immediate danger.

The landlord said that he had also proposed two possible solutions, not yet accepted by the tenant. I believe that an adjournment is desirable to give the tenant and opportunity to fully consider those options which the landlord has offered to review with her. These included installation of a hand railing attached to the structure on the ravine side of the home, installation of new stairs, and an assessment and possible remediation by a civil engineer to stabilize the pad.

The tenant stated that her primary goal is the safety and security of her person and her home, a goal the landlord stated that he shared. I encouraged the parties to fully, and in good faith, explore a mutually agreeable resolution.

The hearing will reconvene at a time and date set out in the attached Notice of Hearing.