

DECISION

Dispute Codes OLC ERP FF O

Introduction

This hearing convened on November 26, 2009, and reconvened for the present session on December 10, 2009. This decision should be read in conjunction with my interim decision of November 26, 2009.

The original three participants appeared and were reminded that they were still under the affirmation they agreed to on November 26, 2009.

All of the testimony and documentary evidence was carefully considered.

Issues(s) to be Decided

Is the Tenant entitled to Orders under sections 32, 62, and 65 of the Manufactured Home Park Tenancy Act?

Background and Evidence

At the onset of the hearing the parties confirmed that they have not come to an agreement in relation to the Tenant's claims.

The Landlord's Agent confirmed that the Landlord has offered the Tenant the opportunity to build 8 x 12 foot Joey shack, decks and a garden shed, as listed on page 2 of the Landlord's evidence, subject to an approved drawing.

The Landlord's Agent defined an approved drawing to be one that was created by either a layman or professional which clearly outlines/displays the exact specifications of what is to be built. The Landlord's Agent requested that the Tenant provide the Landlord with two exact copies so that the Landlord could sign both copies, keep one for the Landlord's file and return the second signed copy to the Tenant along with a written letter confirming that the Landlord has granted permission to the Tenant to construct structure(s) in accordance with the approved drawing. The Tenant would be required to obtain building permits prior to commencing construction.

The Tenant argued that she would like approval based on the drawing she submitted into evidence.

Analysis

In order to justify the issuance of Orders under the Act, the Applicant Tenant would be required to prove that the other party did not comply with the Act.

After a close review of the testimony and evidence before me I find that there is no evidence to support that the Landlord has failed to comply with the Act or Regulations. Based on the aforementioned, I dismiss the Tenant's application.

As the Tenant has not been successful with her claim I decline to award her the cost of the filing fee.

Conclusion

I HEREBY DISMISS the Tenant's claim, without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.2 of the *Manufactured Home Park Tenancy Act*.

Dated: December 10, 2009.

Dispute Resolution Officer