

## **Interim Decision**

**Dispute Codes:** OLC, RP, O, FF

### **Introduction**

This is the Tenant's application for an order that the Landlord comply with the Act, regulation or tenancy agreement; and order that the Landlord make repairs to the site; and to recover the cost of the filing fee from the Landlord.

I reviewed the evidence provided prior to the Hearing. The parties gave affirmed evidence and this matter proceeded on its merits.

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

- (1) Should the Landlord be ordered to comply with the Act?
- (2) Should the Landlord be ordered to make repairs to the site?

### **Background and Evidence**

The water pressure at the manufactured home park fluctuates, both inside and outside of their homes. Sometimes the pressure is so low that the tenants of the park are unable to shower. Other times the pressure is non-existent, and yet other times the pressure is sufficient for the household use and yard maintenance.

The Tenant testified that he and other tenants have complained to the Landlord, but the Landlord has not fixed the problem. Nor has the Landlord communicated with the Tenant with respect to what steps he is taking to repair the water system. The Tenant is applying for an Order that the Landlord repair the water system to provide a consistent and adequate supply of water to the manufactured home park site.

The Landlord testified that in the summer of 2009, he had:

- Replaced the pressure tank and added another pressure tank;
- Replaced all of the valves and pipes in the water lines in the pump house; and
- Installed a new water pump.

The Landlord stated that these repairs did not fix the fluctuations in the water pressure.

The Landlord testified that BC Hydro supplies the water line to the site. The Landlord stated that he has been communicating with the plant manager at BC Hydro since November, 2009, with respect to possible problems with the main water line. The Landlord testified that on January 26, 2010, he received a letter from the plant manager at BC Hydro advising that he would be sending a crew to determine whether or not the pressure problem was originating from their water line. The plant manager also advised that this would happen when weather permitted.

Some discussion occurred between the parties with respect to park rules and the possibility of striking of a park committee at the manufactured home park.

### **Analysis**

Based on the testimony of both parties, it is clear that there is a problem with the regulation of water pressure at the manufactured home park. Section 26 of the Act requires the Landlord to provide and maintain the manufactured home park in a reasonable state of repair and comply with housing, health and safety standards required by law. I order that the Landlord employ a professional in residential water systems to inspect and assess the pump house at the manufactured home park and to provide the Residential Tenancy Branch and the Tenant with a copy of a written assessment of his or her findings, within 60 days of receipt of this Interim Decision.

I further order that the Landlord provide the Residential Tenancy Branch and the Tenant with BC Hydro's written communications and findings with respect to any responsibility BC Hydro has regarding the fluctuating water pressure at the manufactured home park.

I have no authority to order the Landlord to strike a park committee, but the parties may wish to consider the benefits to the Landlord and the Tenants of having a park committee in place.

This Hearing is adjourned to allow the Landlord time to comply with my Orders. A Notice of Reconvened Hearing accompanies this Interim Decision. The purpose of the reconvened Hearing is to hear from both parties with respect to the state of repair of the water system to the manufactured home park.

### **Conclusion**

I order, pursuant to Section 55(3) of the Act, that the Landlord employ a professional in residential water systems to inspect and assess the pump house at the manufactured home park and to provide the Residential Tenancy Branch and the Tenant with a copy of a written assessment of his or her findings, within 60 days of receipt of this Interim Decision.

I further order, pursuant to Section 55(3) of the Act, that the Landlord provide the Residential Tenancy Branch and the Tenant with BC Hydro's written communications and findings with respect to any responsibility BC Hydro has regarding the fluctuating water pressure at the manufactured home park.

Notices of Reconvened Hearing accompany this Interim Decision. The Tenant must serve the Landlord with the Notice of Reconvened Hearing, in accordance with the provisions of Section 82(1) of the Act, within three days of receipt of this Interim Decision.

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*.

February 4, 2010

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Date of Decision