

## **Decision**

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

### **Introduction**

This matter was adjourned from January 29, 2010, for the purposes of confirming the Landlord's compliance with my Order to comply with Section 26 of the Act, provided in an Interim Decision dated February 4, 2010 and for the Tenant's application to recover the cost of the filing fee from the Landlord.

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

Has the Landlord complied with my Order to comply with Section 26 of the Act and:

- 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 the Interim Decision; and
- 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?

### **Evidence**

The Landlord provided the following affirmed testimony and supporting documents:

- The Landlord hired a professional Water System Inspector to inspect the pump house at the manufactured home park. The Landlord provided a copy of the Inspector's report dated February 12, 2010, in evidence.

- In his report, the Inspector made the following recommendations: “to install discharge line manifold with brass check valves; restrict hydraulically the flow to each tenant if existing irrigation restrictions are not adhered to; increase irrigation restrictions to longer periods between irrigation cycles.” The Inspector concluded that “the newly upgraded distribution system is and should be adequate to supply the current water system as it is. The supply of water is wholly dependant (sic) of the supply provided from the community system (BC Hydro)”.
- The Landlord installed the brass check valves as recommended by the Inspector, and provided a copy of the invoice in the amount of \$1,348.86 for the installation.
- The Landlord provided a copy of a letter from BC Hydro advising that they would be investigating the main water line that feeds the manufactured home park on April 19, 2010, and that they would communicate their findings once the work had been completed. The Landlord spoke to a representative, who advised that the filter screen was plugged up, and had been cleaned up.
- The pump house has a booster system and a pressure gauge. A recent check of the gauge shows a 2 pound increase in the water pressure and the volume should increase measurably.

The Tenant stated that the Landlord has provided him with warnings for failing to comply with the park rules and that he feels the Landlord is harassing him. The Tenant asked for an order that the Landlord comply with the Act and cease from harassing the Tenant by providing him with warnings and attempting to speak to him or serve him in place of his representative.

### **Analysis**

I find that the Landlord has complied with the Orders contained in my Interim Decision dated February 4, 2010.

There was considerable discussion during the January 29, 2010, Hearing with respect to park rules, the possibility and advantages of putting a Park Committee in place, and

the Landlord's rights to impose rules as well as his responsibility to all tenants in the manufactured home park to enforce rules fairly and equitably. Both parties were advised that the act of serving a document, in accordance with the provisions of the Act, does not constitute harassment.

I find that the Tenant's application had merit and that he is entitled to recover the cost of the filing fee from the Landlord, in the amount of \$50.00.

### **Conclusion**

I find that the Landlord has complied with the Orders contained in my Interim Decision dated February 4, 2010.

Pursuant to the provisions of the Manufactured Home Park Tenancy Act, the Tenant may deduct the amount of \$50.00 from future rent due to the Landlord.

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*.

April 29, 2010

---

Date of Decision