



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes:** *ERP, RP, FF*

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the *Manufactured Home Park Tenancy Act*, for an order seeking landlord's action to conduct emergency repairs. The tenant also applied for the recovery of his filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

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

Is the landlord negligent with regard to maintaining the rental property?

### **Background and Evidence**

The tenancy started on January 01, 2010. The tenant stated that right at the start of the tenancy he noticed a "hole" in the yard. This got bigger with time and on June 24, 2010, he informed the landlord of the problem by email, but did not give an accurate description of the location. The tenant also did not request any action on the part of the landlord. On October 27, 2010, the landlord was informed of the exact location and visited the site to assess repair.

Both parties differ in their descriptions of the "hole". The landlord described it as an indentation which required soil to fill it up. The landlord offered to supply the soil to the tenant in the quantity that he requested.

The problem and its solution were discussed at length. During the hearing, the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

**Analysis**

Pursuant to Section 56 of the *Manufactured Home Park Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The landlord agreed to drop off 1.25 yards of soil in bags at the entrance of the tenant's property.
2. The tenant agreed to use the soil to fill up the problem area in his yard.

**Conclusion**

Pursuant to the above agreement, the tenant's application is dismissed. As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 17, 2010.

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Dispute Resolution Officer