



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, OLC, RP, PSF, FF

Introduction

This was an application by the tenants for a monetary order in the amount of \$25,000.00 and orders that the landlord comply with the Act, make repairs and provided services and facilities. The hearing was conducted by conference call. The tenants participated as did the landlord and counsel for the landlord.

Issues(s) to be Decided

Are the tenants entitled to a monetary order and if so in what amount?

Should the landlord be directed to comply with the Act, regulation or tenancy agreement and if so with what provisions?

Should the landlord be directed to perform repairs?

Should the landlord be directed to provide services or facilities?

Background and Evidence

The rental property is a manufactured home park. The tenants have rented a pad in the park since November 2006. The tenants claimed in their application for dispute resolution filed on April 28, 2010 that the landlord has not complied with a Dispute Resolution Decision, has not enforced the park regulations, has provided the tenants with quiet enjoyment of the rental unit and has not cleaned up the manufactured home park, thereby preventing them from showing their manufactured home to prospective purchasers.

The tenants made a previous application for dispute resolution in similar terms, claiming compensation in the amount of \$25,000.00. The application was heard on March 23,

2010 and a decision was issued on April 7, 2010. In that decision the Dispute Resolution Officer found that the landlord was not adequately enforcing park rules and he found that the tenant has suffered a loss of quiet enjoyment of their home site.

He awarded the tenants the sum of \$1,050.00 for loss of quiet enjoyment of their site for a period of seven months. He directed the landlord to distribute a copy of the park rules to all residents in the park and he ordered the landlord to enforce park rules in accordance with the Act, regulations and the tenancy agreements in place, for all residents of the park.

The tenants continue to allege that the landlord has not enforced park rules. They claim that they continue to suffer a loss of quiet enjoyment. The tenants complained that there are large dogs in the park contrary to park rules. They complained about certain tenants who they allege are “druggies” and about supposed “drug houses” in the park. The tenant alleged that there are electrical problems and electrical maintenance and an inspection are required. The tenants complained about unlicensed vehicles in the park. They said the landlord has not solved a water pressure problem.

The tenants complained that the occupants of site 17 located next to the tenants should have been evicted by the landlord. The tenants said the police had been called several times because of disturbances and noise.

The landlord produced statements from other residents of the manufactured home park who complained that the tenants have harassed other residents in the park, have engaged in improper surveillance of residents and have made false accusations of drug use and criminal behaviour. The landlord produced documentary evidence that the male tenant was convicted of uttering threats and careless use of a firearm after he threatened a resident's children with a gun. Other residents complained of unfounded complaints by the tenants and harassment by them.

The landlord produced records to show that the water system has been professionally inspected and the water pressure is within acceptable limits. The water pressure was increased in March, 2010.

The landlord submitted a copy e-mail from the former park manager to the tenants wherein he addressed some of the tenants' complaints about the occupants of site 17.

Analysis and conclusion

The tenants continue to complain, as they did in the previous dispute resolution hearing that the landlord has not enforced park rules. It appears that the tenants will not be content until the landlord has evicted certain other occupants, particularly the occupants of the home next to theirs. The tenants complained that the landlord has not enforced rules concerning the size of pet permitted in the park.

On the evidence before me, I am not satisfied that the landlord has failed to enforce park rules as alleged by the tenants. I heard evidence from the landlord's representatives that steps have been taken by the landlord to encourage compliance with park rules. I find that the landlord is entitled to pursue avenues short of eviction to seek compliance with park rules without being exposed to a claim of having failed to enforce rules. Not all breaches of park rules warrant eviction. The tenants' evidence with respect to the conduct of other occupants is disputed by those occupants. Many of the other occupants regard the tenants as the source of strife and sowers of dissension within the manufactured home park. I do not find that the tenants have provided convincing evidence that the landlord is not acting prudently to improve the park and enforce the rules. The tenants have not provided any basis for their claim to a \$25,000.00 monetary order and it is dismissed without leave to reapply.

The landlord submitted evidence to refute the tenants' claims that repairs are necessary and that the landlord should be ordered to provide services or facilities; these claims are also dismissed. Because the tenants' application has been dismissed. I do not award a filing fee for this application.

Dated: November 09, 2010.
