



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC, MNDC

### Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties and the witnesses the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties and the witnesses.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request for a monetary order for \$5,000.00, and a request for an order for the landlord to comply with the Manufactured Home Park Tenancy Act.

### Background and Evidence

The applicants testified that:

- The main issue for her is that another tenant in the mobile home park is verbally abusing her on a regular basis and the resident manager is refusing to deal with the matter.

- To make matters worse, the landlords have changed the pet rule in the park so that now her only access to take her dog to the designated pet area is past this abusive tenants unit.
- The landlord has refused to allow her to take a different route so that she can avoid this abusive tenant.
- The manager has also refused to intervene on her behalf to stop the abuse coming from this other tenant and she believes it's because they have a personal relationship.
- Further since the landlord has changed the rules she only has one way to get to the designated pet area and it is down a very steep hill and she does not feel safe going down this hill in slippery weather.

The applicant is therefore requesting \$5,000.00 in compensation for loss of quiet enjoyment due to the landlord's failure to stop the ongoing harassment from the other tenant in the mobile home park.

She also wants an order for the landlord to deal with the offending party to ensure her future quiet enjoyment.

The respondent testified that:

- He has tried to deal with the problems in the park, and changing the pet rule is one of his attempts to try and deal with the issues.
- They have had numerous complaints about dog noise at the rental property and therefore they put in the new rule limiting where pets could be walked in the park
- This new rule had the desired effect as they have had no further complaints of the noise from the dogs since the rule was put in place.
- He has not sat idly by when receiving complaints; he always tries to deal with them, however he has had as many complaints about the applicant, as he has had about the person she is complaining about.
- It's very difficult when you are having complaints from different parties about each other to know who the offending party is.

- He does not believe it is his job to intervene in ongoing disputes between two parties, when the complaints from either side seemed just as credible.
- He did intervene in one case and attempted to evict the applicant, when the applicant's husband trespassed on another tenant's property resulting in the applicant's husband being arrested and taken away by the police.
- He does not deny that there are been arguments between the applicant and another tenant in the park, however it is not clear who is instigating those arguments, as the other tenant claims that the applicant has been allowing her dog to come onto her property and harass her dogs.
- Further he denies ever receiving a request from the applicant to allow her to walk her dog in a different direction to avoid the other tenant.

### Analysis

The applicant may be suffering a loss of use and enjoyment of the rental property however it is my finding that the applicant has not met the burden of proving that the landlord's actions, or inaction, is the reason for that loss of use of enjoyment.

I reviewed the evidence presented by both the landlord and the tenant, and I find the evidence of each side to be equally compelling.

The applicant has provided evidence and witness statements that claim that the other tenant in the park is the offender; however the respondent has provided witness statements that claim that the applicant is the offender.

It appears in this case that the landlord is stuck in the middle of a dispute between two groups of tenants and it is not clear that one group of tenants is any more at fault than the other.

I do not find that the landlord has acted unreasonably in his attempts to deal with the disputes, nor do I find that the landlord's new pet rule is unreasonable.

Therefore it is my decision that I will not be issuing any orders against the landlords.

Conclusion

This application is dismissed in full without leave to reapply.

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: December 05, 2011.

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Residential Tenancy Branch