



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RP, RR, FF

Introduction

This hearing dealt with an application by the tenant for money owed or compensation due to damage or loss, to order the landlord to make repairs, to allow a tenant to reduce rent for repairs and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

Background and Evidence

This tenancy began February 15, 2010 with monthly pad rent of \$490.74.

The tenant stated that in 2010 there was flooding under the manufactured home due the culvert not being large enough to handle the run off during heavy rain. The tenant stated that in September 2011 they entered into a signed agreement with the landlord whereby the landlord would be responsible for the cost of moving the tenant's manufactured home over approximately 6' on to the driveway beside pad 38. The agreement states that the landlord will be responsible for any damage to the manufactured home of its contents as a result of the move. This move is to allow the landlord access to the area where the undersized culvert is and to make the required repairs to eliminate the flooding. The tenant stated that to date the landlord has not moved her manufactured home and completed the repairs.

The landlord stated that last fall they contacted a moving company to relocate the manufactured home but the wheels are no longer on the manufactured home and the dolly that the moving company brought to move the home would not fit under the trailer and the manufactured home could not be moved. The landlord stated that they then contacted a second moving company who advised the landlord that they could 'side move' the manufactured home. The landlord stated that they provided the tenant with the second movers contact information to make arrangements for the move. The landlord stated that they never back from tenant regarding the move.

The tenant stated that she had been unable to reach the second mover by telephone even after repeated tries and with assistance from the resident park manager. The tenant stated that she is familiar with the second moving company as they were the

company that placed the manufactured on the pad site for the tenant. The tenant stated that she had gotten a quote from a third company but that the landlord did not want to use them as they were expensive.

After some discussion the parties agreed to secure additional quotes from manufactured home moving companies and agreed to a timeline to obtain the quotes and to have the manufactured home relocated.

Analysis

Pursuant to Section 63 of the *Residential 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 their dispute. Specifically, both parties agreed to the following:

- Both parties will get quotes from 2 additional moving companies no later than February 15, 2012.
- The parties will meet and determine which company will compete the move of the manufactured home no later than February 28, 2012.
- The manufactured home will be moved no later than March 15, 2012 at which time the landlord will complete all required repairs to eliminate the flooding.
- If the manufactured home has not been moved by March 15, 2012, the tenant is at liberty to apply for compensation through this office.

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.

Conclusion

The Parties have resolved the dispute as set out on the mutually agreed upon terms.

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 Act*.

Dated: January 24, 2012

Residential Tenancy Branch