



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNLC, MNDC, ERP, RP, LRE, RR, FF

Introduction

This hearing dealt with an application by the tenant to cancel a notice for conversion of a manufactured home park, money owed or compensation for damage or loss, for the landlord to make emergency repairs, for the landlord to make repairs, suspend or set conditions on the landlord's right to enter, to allow a tenant to reduce rent for repairs and recovery of the filing fee.

Issue(s) to be Decided

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

Background and Evidence

The tenant testified that the drain line that connects from his trailer to the main sewer line had sewage back up into it and into the bath tub because the main sewer line was plugged or broken. The tenant stated that the landlord has to have the main sewer line flushed out every few years as it does not drain properly and that this has been an on-going issue. The tenant also stated that the sewer line had to be flushed twice a year. The tenant stated that the sewage typically comes out of the clean out cap which is located in the drain line approximately mid way between the tenant's manufactured home and the main sewer line.

The tenant stated that he had not been able to provide additional information due to his health and requested to adjourn the hearing however the landlord denied this request and the hearing proceeded. The tenant also stated that he had contacted the health department to come and inspect the sewer line and after they inspected he would have more evidence.

The landlord testified that they had the main sewer line flushed out and that two plumbing companies have checked the line twice, once with a camera, and no blockage or breakage was found in the line. The landlord stated that there are 8 to 10 manufactured homes connected section of main sewer line that the tenant connects to

and there are 45 manufactured homes in the park and no other tenants have advised the landlord that there was a problem with sewer drainage.

The landlord stated that the tenant filed for dispute resolution on January 6, 2012 after being served with a 10 day notice to end tenancy for \$3210.20 in unpaid rent that same morning.

The tenants witness TR stated that he had been at the tenant's manufactured home when there was sewage coming out of the line under the tenant's trailer and he believed that it was because the main sewer line backed up. The witness stated that on one occasion he had seen sewage back up and run down the main road and that sewage was coming out of the clean-out.

The tenant's witness SL stated that he had seen sewage coming out of the clean out under the tenant's trailer and running down the main road and he believed it was because the main line was blocked. SL stated that in manufactured home parks the tenant was typically responsible for the line to the clean out and the park from the clean out to the main sewer.

The landlord refuted the testimony and character of the tenant's witnesses as both are prior tenants that left the park with unpaid rent owed to the landlord.

The landlord's witness stated that the tenant's yard is very messy and piled with discarded items and that the drain line may be broken due to all the items that are pile don top of it. The landlord's witness also stated that she believed the tenant's claim to be in response to the 10 day notice for unpaid rent.

The tenant stated that the only time the landlord has come on to his property is to fix the sewer line and that the landlord had threatened him once.

The tenant stated that he had not been served by the landlord with a notice for conversion of a manufactured home park but that the landlord had told the tenant that he would be converting the park. As the tenant has not been served with this notice this portion of the tenant's application is dismissed.

Analysis

Based on the documentary evidence and testimony of the parties, I find on a balance of probabilities that the tenant has not met the burden of proving that they have grounds for entitlement to a monetary order for money owed or compensation for damage or loss, a rent reduction for repairs or an order for the landlord to make emergency repairs or repairs.

The tenant has not provided evidence that establishes that the landlord needs to complete either emergency repairs or needs to make repairs to the manufacture home park. The tenant stated that there was a sewer back-up into his mobile home due to the landlord's negligence but has no documentation from a plumber or other professional to verify this allegation. Based on the testimony of the parties it was not proven that the blockage in the drain line is a result of the main sewer line backing up and not a result of the drain line being blocked by the tenant. The tenant has also not established that any such damage or loss has incurred because of negligence or an intentional act on the part of the landlord. Therefore the tenant's claims for \$1500.00 compensation for damage or loss, a rent reduction for repairs and orders for the landlord to complete emergency repairs or repairs are dismissed without leave to reapply.

In regards to the tenants claim to suspend or set conditions on the landlord's right to enter, as the landlord had only come on the tenants property to address the issue of the backed up sewer and the tenant has not provided evidence of threats having been made by the landlord, this portion of the tenant's application is dismissed without leave to reapply.

In regards to the tenants claim to cancel a notice for conversion of a manufactured home park, as the tenant has not been served with this notice this portion of the tenant's application is dismissed.

As the tenant has not been successful in their application they are not entitled to recovery of the \$50.00 filing fee.

The tenant's application is dismissed in its entirety.

Conclusion

The tenant's application is hereby dismissed 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 *Manufactured Home Park Act*.

Dated: January 18, 2012

Residential Tenancy Branch