



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      DRI MNDC OLC RP FF

### Introduction

This hearing convened on March 14, 2012 for a ninety minute session and reconvened for the present session May 02, 2012 to hear the matters pertaining to an Application for Dispute Resolution filed by the Tenant to dispute an annual rent increase, to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement, and to recover the cost of the filing fee from the Landlord for this application; and to obtain orders to have the Landlord comply with the Act, regulation, or tenancy agreement, and to have the Landlord ordered to make repairs to the unit, site or property. This decision should be read in conjunction with my interim decision of March 14, 2012.

### Issue(s) to be Decided

1. Is the electrical service provided to the Tenant's manufactured home complying with housing standards required by law?
2. If not, has the Tenant met the burden of proof to obtain Orders to have the Landlord comply with the Act, regulation or tenancy agreement and make repairs to the unit, site or property pursuant to section 26 and 55(3) of the Act?

### Background and Evidence

During the March 14, 2012 hearing verbal Orders were issued to each party to submit specific evidence, as listed in my March 14, 2012, interim decision, pertaining to the electrical service supplied to the Tenant's manufactured home park site. The additional evidence is to be reviewed during the May 02, 2012 hearing to determine the outstanding issue surrounding the Tenant's request for Orders to have the electrical service to comply with housing standards required by law and have the Landlord comply with the Act.

The Landlord affirmed that he had an electrician inspect the main electrical room on March 28, 2012 as supported by the invoice which the Landlord provided in evidence

and read during his testimony. The Landlord also provided a typed letter from the electrician which he pointed out indicates there are 553 amps of raw power being supplied to the main electrical power box which supplies power to 20 manufactured home sites. He confirmed there is a 70 amp breaker which the Tenant's home is drawing from and that the electrician indicated that the Provincial conductor rule is not enforced in trailer parks. The Landlord advised that eight of the manufactured home sites have 100 amp breakers and 12 sites have 70 amp breakers, the Tenant's site having a 70 amp breaker.

The Tenant and her Father referenced their additional evidence which included an e-mail from the Electrical Safety Officer which advised that Rule 72-102 and rule 8-200(1b) of the Canadian Electrical Code requires a service for a dwelling unit of 80 square meters or more be a minimum of 100 amps. They confirmed that their manufactured home is 924 square feet which is more than 80 square meters and therefore they are required to have 100 amp service.

The Tenant's father questioned how 553 amps of raw power could sustain the 20 manufactured homes as it would equal 27.65 amps per unit. He noted that there is also a sewer pumping station and a well that is operating off of this power service and does not seem to have been considered in the Landlord's report. He referenced the electrician's letter provided by the Landlord which indicates that the demand load of the trailer is only 54 amps and if gas heat is used there should be no problems in tripping the breaker; however the breaker trips even in the summer when the heat is not being used.

In closing the Landlord argued that the raw power cannot be simply divided by the number of units as it does not work that way because not all units are drawing their full power demand at the same time. He noted that the electrical service has been in place since 1992/1993 when the park was built and that the Tenant was told at the time she entered into the tenancy that her lot would only have a 70 amp breaker. He stated they better not be ordered to upgrade this service or they would be forced to have an empty pad because they would not dig up all the power lines.

The Tenant and her Father argued they were never told about the 70 amp breaker; rather their discussions with the Landlord were about them purchasing a brand new 2008 manufactured home.

### Analysis

Based on the foregoing, the relevant written submissions, the interim March 14, 2012 decision, and on a balance of probabilities, I find as follows:

I have carefully considered additional evidence provided by each party, specifically the Landlord's submission of a letter from the electrician and the Tenants' submission of an e-mail from the Electrical Safety Officer from the British Columbia Safety Authority.

I favour the evidence provided by the Tenants, specifically the e-mail provided from the Electrical Safety Officer which outlines the legal requirements; over the evidence provided by the Landlord which is an unsigned typed letter from his electrician. I favoured the Tenants' evidence because it was generated from the Provincial Safety Authority and provides the requirements established in law which I attribute more weight as evidence than an unsigned, unsubstantiated, letter that indicates the electrical code, established by law, is not enforced in trailer parks as per an alleged conversation

Section 26 (1) of the Act provides that a landlord must (a) provide and maintain the manufactured home park in a reasonable state of repair, and (b) comply with housing, health and safety standards required by law.

Section 26(6) of the Act stipulates that a landlord's obligations under subsection 26 (1)(b) *[provide and maintain the manufactured home park in a reasonable state of repair, and (b) comply with housing, health and safety standards required by law]* apply whether or not a tenant knew of a breach by the landlord of that subsection at the time of entering into the tenancy agreement.

Based on the aforementioned I find that notwithstanding any conversations that may have taken place at the onset of this tenancy pertaining to electrical services provided, the Landlord knew the parties were placing a 2008 manufactured home on the site which requires 100 amp services.

Neither party disputes that the manufactured home is 924 sq ft, (85.8 sq Meters), was built in 2008 requiring 100 amp electrical service, that the electrical service is currently provided by a breaker of 70 amps service, and the breaker is regularly tripped during normal usage of power in the Tenants' manufactured home.

The evidence proves that the housing requirements required by law for electrical service provided to a dwelling unit of 80 square meters or more is required to be a minimum of 100 amps, pursuant to Rule 72-102 and rule 8-200(1b) of the Canadian Electrical Code.

As per the aforementioned, pursuant to section 55(2) of the Act, I find that the current electrical service of 70 amps does not comply with housing, health and safety standards required by law and therefore the Landlord is in breach of Section 26 of the Act, as noted above.

The Tenant has been partially successful with her application; therefore I award partial recovery of the filing fee in the amount of **\$25.00**.

### Conclusion

Pursuant to section 55(3) of the Act, I HEREBY ORDER the Landlord to comply with section 26 of the Manufactured Home Park Tenancy Act.

Pursuant to section 55(3) of the Act, I HEREBY ORDER the Landlord to provide electrical service to the Tenants' manufactured home site pad that meets the requirements established by law for 100 amp service no later than **May 31, 2012**.

If the Landlord fails to comply with these Orders by the required date, or attempts to intimidate or harass the Tenants, they will be at liberty to file for dispute resolution to seek monetary compensation.

The Tenant may deduct the one time award of **\$25.00** from her next rent payment as satisfaction of recovery of the filing fee awarded above.

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 Tenancy Act*.

Dated: May 02, 2012.

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Residential Tenancy Branch