



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, PSF

Introduction

This hearing dealt with an application by the tenant seeking a monetary order as compensation for damage or loss suffered under the Act, the regulations or the tenancy agreement, an order to have the landlord provide services or facilities required by law and the recovery of the filing fee. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to any of the above under the Act, the regulations or the tenancy agreement?

Background and Evidence

The tenancy began on or about July 4, 2009. Rent in the amount of \$350.00 is payable in advance on the first day of each month.

The tenant gave the following testimony; at the outset of the hearing the tenant amended her application and is no longer seeking \$5000.00, the amounts sought by the tenant are \$40.00 for fixing a connecting pipe to the standpipe, \$30.00 for their time to go into town to pick up parts and the gas for the vehicle and the \$50.00 filing fee for a total of \$120.00, the tenant had a water leak in the pipe that connects to the permanent standpipe that services her mobile home, the tenant is of the position that the landlord should be responsible for this as the connecting pipe is left behind whenever it is that she moves and she should not be liable.

The landlords gave the following testimony; testified that the pipe has been leaking for several years which has led to multiple complaints from other tenants in the park for low water pressure, have notified the tenant that they must repair it at their own expense, are of the position that the tenant is responsible as the tenant must maintain their home in good repair as part of the park rules and tenancy agreement in addition; the tenancy agreement outlines that the landlord is only responsible for providing the services up to the standpipe.

Analysis

Both parties provided documentary evidence and gave testimony that was considered in making a decision.

Both parties submitted a copy of the "Park Rules" that outline the landlord is responsible for the service of water to the standpipe. The tenant provided photos for this hearing that clearly show the leak occurred on the plastic connecting pipe from her mobile home and not on the steel standpipe. As agreed by both parties in the tenancy agreement along with the park rules, the tenant is responsible for any repairs and maintenance on the tenant's side of the standpipe. The tenant did not dispute that clause as part of their agreement. The tenant did not provide any evidence as to not receiving the proper facilities as required by law. Based on the above I do not find that the tenant has been successful in her application.

Conclusion

The tenant's application is dismissed in its entirety 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 Tenancy Act*.

Dated: September 10, 2012.

Residential Tenancy Branch