



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC

Introduction

This hearing concerns the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement. Both parties attended and / or were represented at the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The tenant has resided in the manufactured home park (the "park") since 2005 and presently continues to reside there. However, the manufactured home (the "home") which is the subject of this application has sat vacant for approximately 2 years. Both parties agree that for a variety of reasons the home is uninhabitable. In the meantime, the tenant resides in another home located within the same park.

Late in 2012 the landlord removed miscellaneous items from around and about the home. The landlord's agent testified that this was done for reasons related to safety, sanitation and in response to complaints from neighbours about rats and the allegedly unsightly appearance of the site. In summary, the tenant seeks as follows:

I would like my stuff returned and / or compensated for my stuff.

The landlord's agent testified that with the rare exception of material that was clearly refuse, the miscellaneous items were relocated to a site approximately 30 feet or so from the subject home. The landlord's agent also testified that the tenant took possession of some of what was relocated, while the remainder still sits visibly on the site where it was relocated. The tenant did not dispute that some of the items were still visible to her, although she considered that they were stacked in such a way so as to be difficult to access.

Further to the tenant's application itself, documentary evidence before me is limited to a 1½ page manual submission by the tenant in which she describes the items at issue and estimates their value.

Analysis

Based on the limited documentary evidence before me and the affirmed testimony of the parties, in sum I find there is insufficient evidence to support the tenant's claim for compensation. Specifically, there are no receipts in evidence to support the value of any of the items at the time of purchase, there is no information before me about the age or condition of any of the items at the time when they were relocated, and the tenant acknowledges that some of the items remain within the park, albeit at a different location from the subject site. I find that feelings of animosity between the parties, and / or between the tenant and certain other residents have likely fuelled the application.

Conclusion

The tenant's application is hereby dismissed.

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: February 07, 2013

Residential Tenancy Branch

