



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding The Cedars MHP (2006) Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      RP, PSF, FF

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking an order to have the landlord complete repairs.

The hearing was conducted via teleconference and was attended by the tenants.

The tenant testified the landlord's on-site manager was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 52(3) of the *Manufactured Home Park Tenancy Act (Act)* personally on January 21, 2014 in accordance with Section 82 and that this service was witnessed by a third party.

Based on the testimony of the tenant, I find that the landlord has been sufficiently served with the documents pursuant to the *Act*.

The tenant testified that as of February 1, 2014 a new management company has taken over day to day operations of the park and provided this company's mailing address. The tenant testified that he had spoken with the company's agent who had indicated he would attend the hearing. The hearing lasted for 15 minutes and the agent did not attend the hearing. A copy of this decision will be mailed to the new property management company as well as the named respondents.

### Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to an order to have the landlord repair the water pressure to their manufactured home site and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 26, 60, and 65 of the *Act*.

### Background and Evidence

The tenants testified the tenancy began in November 2006 for a current monthly rent of \$335.00 due on the 1<sup>st</sup> of each month.

The tenants submit that beginning about 2 years ago they lost significant water pressure in their home. The tenants testified that they had raised the issue with the previous owners of the park and that nothing was done about the problem.

The tenants submit that they identified to the new owner of the property in August 2013 that they had this ongoing problem. The tenants submit that in August 2013 the landlord's on-site manager arranged for a temporary connection to another pad's water supply until repairs could be made. The tenants submit nothing else has been done in regard to their complaints.

### Analysis

Section 26(1) of the *Act* requires a landlord to provide and maintain the manufactured home park in a reasonable state of repair that complies with the health, safety and housing, health and safety standards required by law.

I find the provision of adequate water pressure to be a requirement under Section 26(1). Based on the undisputed testimony of the tenants find the landlord has failed to comply with this requirement.

### Conclusion

Based on the above, I order the landlord must hire a licensed contractor to investigate and repair the water pressure to this manufactured home site no later than April 11, 2014. I note that should the landlord fail to comply with this order the tenants are at liberty to file a new Application for Dispute Resolution seeking either a rent reduction; compensation for failure to comply with this order; or both.

As the tenants were successful in their Application, I find they are entitled to recover from the landlord the \$50.00 fee paid by the tenants for this application. I order the tenants may deduct this amount from a future rent payment, pursuant to Section 65(2) of the *Act*.

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: March 06, 2014

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Residential Tenancy Branch

