



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC, RP, FF

### Introduction

These hearings were convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant for: the Landlord to comply with the *Manufactured Home Park Tenancy Act* (the “Act”) regulation or tenancy agreement; the Landlord to make repairs to the site property; and the recovery of the filing fee.

The Landlord named on the Application, who is the Park Manager, appeared for both hearings with the Tenant. The manufactured home park owner appeared for the first hearing. The parties all provided affirmed testimony during the hearings. The Tenant provided written evidence for the first hearing.

No issues in relation to the service of the Tenant’s Application and the documentary evidence presented in the hearings were raised by the parties.

During the first hearing, while the Tenant disclosed a request in her written submissions for a monetary claim, I did not deal with this issue as this was not requested on the Tenant’s Application. The Tenant explained that she only wanted the Landlord to repair the pot holes in the roads that had been caused as a result of the winter and spring weather.

The Tenant provided written and photographic evidence of the state of the roads going in and out of the park and made submissions to me. The Landlord also made a number of submissions and testified that the harsh winter weather of 2013 and 2014 had made it difficult to repair the road but they were in the process of making the repairs including paving sections of the road in relation to their budgetary allowance. The Landlord also explained that they had the pavers scheduled to make repairs on the day the first hearing was taking place.

The Tenant confirmed that the Landlords were in the process of repairing the roads but there was no evidence of this and the Tenant was also not satisfied that it was sufficient.

Instead of ordering the Landlord to comply with the Act and do the repairs, the Landlord confirmed that they would provide photographic evidence of satisfactory repairs. As a result, the hearing was adjourned to allow the Landlord to provide this evidence. In the interim time period, the Landlord submitted nine photographs all indicating that the roads had been satisfactorily repaired in accordance with Section 26(1) (a) of the Act.

The Tenant confirmed receipt of the Landlord's photographic evidence and stated that the Landlords had continued to make repairs to the roads on the day of the first hearing and that she was pleased and satisfied with the repairs.

The Landlord confirmed his commitment to continue to pave whole sections of the gravel road as and when their budget would allow.

As a result, the Tenant withdrew all her Application. As there are no further findings for me to make in this case, the file is now closed.

However, the Landlord was cautioned about their requirements to maintain the park in a reasonable state of repair and in the future, the Landlord may not be able to solely rely on bad weather to absolve them of their duty to maintain the park roads.

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: July 17, 2014

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Residential Tenancy Branch

