



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

arbitrators order A matter regarding Silver Star RV Park
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNDC, O, RR, RP

Introduction

This is an application for a monetary order for \$660.00, and a request for an order for the landlord to do repairs.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions, except for the photo evidence, as the photo evidence was not provided within the timeframe required under the Rules of Procedure and therefore I will not consider the photo evidence.

Section 3.10 of the Rules of Procedure states that all parties must have full access to the evidence for 7 days; however the digital evidence was not received by the Residential Tenancy Branch until April 15, 2015, only 4 clear days before the hearing.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

Issue(s) to be Decided

The issues are whether or not to issue a repair order, and whether or not the applicant has established a monetary claim against the respondent.

Background and Evidence

The parties had a previous hearing on February 27, 2015 and on March 4, 2015 the Arbitrator ordered that the landlord make repairs to the sewage system within a reasonable timeframe.

The applicant is arguing that although the repairs were completed by April 1, 2015, they were not made within a reasonable timeframe, and he is therefore requesting compensation of \$500.00 for loss of use and enjoyment.

The applicant is also requesting an order for \$160.00 so that he can have a plumber inspected sewage lines to see if there is any damage resulting from the blockage.

The respondent argued that even before receiving the previous arbitrator's decision on March 11, 2015 they acted promptly to attempt to resolve the issues with the septic system, starting work on March 4, 2015.

This was a complicated issue and they explored numerous possible solutions. They originally were able to identify a problem on March 19, 2015 that was restricting flow of the sewage line and that was repaired on March 20, 2015 allowing for septic to drain, although slowly.

On March 20, 2015 they discovering that there was an old discarded sewer line that went directly to the septic tank, which they were able to repair March 26, 2015 and connect to the septic on March 31, 2015, completely resolving the septic drainage problem.

In response to the landlord's testimony the tenant testified that the septic line was not functioning at all by March 20, 2015.

Analysis

It is my finding that the landlords complied with the previous arbitrator's order within a reasonable timeframe.

Even before receiving the arbitrator's decision, the landlord's started work to attempt to resolve the issue.

Further both sides agree that the septic issue has now been completely resolved, and although the landlords claim it was resolved by March 31, 2015 and the tenant claims April 1, 2015, it is still my finding that the landlords complied with the order promptly and with reasonable speed.

I therefore will not be issuing any order for further compensation.

I also deny the tenants request for \$160.00 so that he can have the septic line inspected. There is no evidence presented to show that there is any damage to the tenants septic lines, nor has the applicant provided any estimates of what such an inspection would cost.

Conclusion

No repair order is issued, as the repair to the septic system has been fully completed as per the previous Arbitrator's order.

The monetary portion of this claim is dismissed in full 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: April 20, 2015

Residential Tenancy Branch

