



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, AAT, RR, FF

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant for: money owed or compensation for damage or loss under the *Manufactured Home Park Tenancy Act* (the “Act”), regulation or tenancy agreement; access to the site for the Tenant; a reduction in rent for facilities agreed upon but not provided; and, to recover the filing fee from the Landlord.

The Tenant appeared and provided affirmed testimony during the hearing as well as documentary and written evidence in advance of the hearing. The park manager and an agent for the Landlord named on the Application also appeared for the hearing and provided affirmed testimony.

The park manager confirmed receipt of the Tenant’s Application and her evidence. The Landlord did provide evidence prior to the hearing; however, a copy of this was not served to the Tenant and was submitted to the Residential Tenancy Branch outside of the time lines set out in the Rules of Procedure. As the Landlord failed to provide the Tenant with a copy of the written evidence in accordance with the Rules of Procedure, I declined to consider this evidence during the hearing.

Both parties provided testimony and made submissions during the hearing in relation to the Tenant’s Application. At the conclusion of the hearing, I offered the parties an opportunity to resolve the issues on the Tenant’s Application through mutual agreement. The parties discussed the issues between them, turned their minds to compromise and achieved a resolution of their dispute.

Analysis & Conclusion

Pursuant to Section 56 of the Act, the Arbitrator may assist the parties to settle the dispute and if the parties settle the dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

Both parties agreed to settle the Tenant's Application in full satisfaction under the following terms:

1. The Landlord agreed that the Tenant will receive compensation in the amount of **\$120.00** (which comprises the \$50.00 filing fee).
2. The Tenant is to achieve this relief by deducting \$120.00 from her next month's rent.
3. The **Landlord** is to provide the Tenant with sufficient access to the side of the manufactured home adjacent to the neighbour on the right hand side as you look at the front of the manufactured home. Sufficient access at the right side of the property needs to be provided to allow the Tenant to gain access to water pipes for repairs and maintenance during the duration of the tenancy. Sufficient access is to be made available to the Tenant by **May 15, 2015** and is to be maintained during the tenancy at all times.
4. The Tenant is at liberty to make an Application for further orders and compensation if the Landlord fails to provide sufficient access by the agreed date. The Tenant bears the burden to prove that sufficient access has not been provided by the Landlord.

This agreement is legally binding on the parties. This file is now closed.

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 30, 2015

Residential Tenancy Branch

