



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes: CNC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein she sought to cancel a Notice to End Tenancy for Cause issued on September 22, 2015 (the "Notice").

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

The parties agreed that all evidence that each party provided had been exchanged. No issues with respect to service or delivery of documents or evidence were raised.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Interim Decision.

Background Evidence

The Landlord testified that the tenancy began March 23, 2015. The Tenant purchased a manufactured home within the manufactured home park. The Landlord stated that the Tenant was a very nice person, but the condition of her manufactured home site was a considerable problem. Within six weeks of the tenancy beginning the Landlord sent a letter to the Tenant about the condition of her site.

The reasons the Landlord issued the Notice are noted as follows:

1. the Tenant or a person permitted on the residential property by the Tenant has
 - significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,

- seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
 - put the landlord's property at significant risk;
2. the Tenant has engaged in illegal activity that has caused or is likely to
 - adversely affect or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
 - jeopardize or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
 3. Breach of a material term that was not corrected within a reasonable time after written notice to do so;
 4. the rental unit must be vacated to comply with a government order;
 5. Non-compliance with an order under the legislation within 30 days after the tenant received the order or the date in the order

The Landlord stated that the condition of the rental site was “unbelievable” and like nothing he had ever seen before. He described the Tenant as a hoarder. He confirmed that she had made promises all summer long to address the issue but that it continues to be problematic. He also stated that he had stopped by the rental site the day before the hearing and while she had cleaned somewhat, the condition was virtually the same as it has been for five months.

The Landlord submitted in evidence letters from numerous neighbours who wrote of their concerns with the condition of the Tenant's manufactured home site, the existence of unsightly garbage and the possibility of rodents. The Landlord also submitted photos taken by him which he says was done over the course of five months which show considerable refuse strewn about the property. A vehicle owned by the Tenant appeared to be full of garbage. The Landlord also provided copies of four warning letters he had written to the Tenant.

The Tenant admitted she suffered from compulsive hoarding disorder. She also testified that she had cleaned her property the day before the hearing; namely, between 3:30 p.m. and 5:30 p.m. on December 7, 2015. She stated that a refuse removal company filled a “2 ton truck” full of items and that the neighbours would be “proud” of how her rental site appeared now that she had cleaned it up. She stated that she wanted to be able to submit photos of the current condition of her rental site as she felt she had taken considerable steps to address the Landlord's concerns.

Pursuant to Rule 3.19 of the *Residential Tenancy Rules of Procedure*, I reserve my decision and permit both parties to submit further evidence of the condition of the manufactured home and manufactured home site. I Order as follows:

1. At 12:00 noon, December 8, 2015, the Landlord will attend the manufactured home site for the purposes of taking photos of the inside and outside of the manufactured home.
2. The Tenant will allow the Landlord access to the inside and outside of the manufactured home to permit the Landlord to take the photos as provided above.
3. Should the Tenant refuse the Landlord access to the inside of the manufactured home, he may provide information regarding her refusal.
4. The Landlord and the Tenant may submit photos of the current condition of the inside and outside of the manufactured home, provided:
 - a. the photos are taken on December 8, 2015; and,
 - b. the photos are provided to the Branch and to the other party by no later than 4:00 p.m. on December 15, 2015;
5. Neither party may submit any further evidence, save and except for the above.

Upon receipt of the above, I will render my final decision on the merits of the Tenant's Application.

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: December 08, 2015

Residential Tenancy Branch

