



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes          ERP, RP

### Introduction

This hearing dealt with the tenant's application pursuant to the *Manufactured Home Park Tenancy Act* ("Act") for:

- an order requiring the landlord to make repairs to the rental unit, pursuant to section 27; and
- an order requiring the landlord to make emergency repairs for health or safety reasons, pursuant to section 27.

The tenant and his advocate, JP (collectively "tenant") and the landlord attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he had authority to speak on behalf of his wife, "tenant JR," the other tenant named in this application, as an agent at this hearing. This hearing lasted approximately 57 minutes in order to allow both parties to fully negotiate a settlement of this matter.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package ("Application") and the tenant confirmed receipt of the landlord's written evidence package. In accordance with sections 81, 82 and 83 of the *Act*, I find that the landlord was duly served with the tenant's Application and the tenant was duly served with the landlord's written evidence package.

### Issues to be Decided

Is the tenant entitled to an order requiring the landlord to make repairs to the rental unit?

Is the tenant entitled to an order requiring the landlord to make emergency repairs for health or safety reasons?

### Background and Evidence

Both parties agreed that this month-to-month tenancy began on March 1, 1998 and the tenant continues to reside at the manufactured home site ("site"). Monthly rent in the current amount of

\$296.00 and some additional cents is payable on the first day of each month but neither party knew the exact rent amount. The tenant owns his manufactured home ("trailer") and rents the site from the landlord.

The tenant seeks orders for emergency and regular repairs to the site. The tenant claimed that the trailer located above his trailer is leaning towards his trailer, as it is not level, posing a hazard and safety risk.

### Analysis

Pursuant to section 56 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute at this time:

1. Both parties agreed that the landlord will pay for an independent, local mobile home mover/installer to attend at the trailer and site by February 15, 2016, in order to assess and provide a written opinion to both parties regarding the drainage and stability of the trailer above the tenant's trailer as well as the tenant's trailer;
2. Both parties have leave to make a new application for dispute resolution at the Residential Tenancy Branch ("RTB") following the receipt of the written opinion in condition #1; and
3. Both parties agreed that this settlement agreement constitutes a final and binding resolution of the tenant's Application at this hearing.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final and binding and enforceable, which settle all aspects of this dispute.

### Conclusion

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: January 18, 2016

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Residential Tenancy Branch

