



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord filed under the Manufactured Home Park Tenancy Act, (the “Act”), to have the tenant comply with the park rules.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail sent on February 5, 2016, a Canada post tracking number was provided as evidence of service.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the tenant has been duly served in accordance with the Act.

Issues to be Decided

Should the tenant be ordered to comply with the park rules?

Background and Evidence

The tenancy began on October 1, 1997. Filed in evidence is a copy of the tenancy agreement and park rules.

The landlord testified that the tenant is in breach of the park rules, which were provided to the tenant when they were established.

The landlord testified that the park rules that the tenant continues to violate are:

- Only 2 licensed vehicles shall be permitted per home site;

- All vehicles in the Park or on the Site must be operational, have a current license and insurance for use on public roads.

The landlord testified the tenant has more than 2 licensed vehicles on the home site, and there are also 2 vehicles that are not license; The first vehicle is a black ford pickup truck and the second is a grey minivan. The landlord stated that the tenant has been warned on several occasions in writing to comply with the park rules; however, they just chose to ignore them and refuse to communicate in anyway.

The landlord testified that they seek an Order that the tenant must comply with the established park rules.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Under s. 32 (1) of the Act, a park committee, or, if there is no park committee, the landlord may establish, change or repeal rules for governing the operation of the manufactured home park.

In this case, the tenancy agreement provides parking spots for 2 vehicles, which is consistence with the current park rule that only 2 licensed vehicle shall be permitted per home site. Therefore, **I Order the tenant to comply** with their tenancy agreement and the park rules, by removing any vehicle in excess of 2 from the site, no later than March 31, 2016.

I have further considered the tenancy agreement and the park rules, I find there is no agreement in the tenancy agreement that conflicts with the park rules, such as a material term. Therefore, **I Order the tenant to comply** with the park rule, by removing the unlicensed vehicle from the site, no later than March 31, 2016. Should the landlord request a copy of the licensing documents, the tenant must provide those to the landlord within 48 hours of receiving the request.

The tenant is cautioned that failure to comply with my above Orders by the above date may be ground to end the tenancy.

As the landlord has been successful with their application, I find the landlord is entitled to recover the amount of \$100.00 from the tenant, to recover the cost of the filing fee. I grant the landlord a formal monetary order.

Conclusion

The tenant must comply with my above Orders, no later than March 31, 2016.

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

Date: March 18, 2016

Residential Tenancy Branch