



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Creekside Campground (owned and operated by Sunshine Coast
Campground)
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC PSF RPP LRE

Introduction

This hearing dealt with the tenant's application for an order that the landlord comply with the Act; an order that the landlord provide services or facilities required by law; an order suspending or setting conditions on the landlord's right to enter the tenant's site and an order that the landlord return the tenant's personal property.

The tenant provided evidence to show that he served the landlord with the application for dispute resolution and notice of hearing by registered mail sent on February 16, 2016. Section 83 of the Act states that a document is deemed to have been served five days after mailing. I found that the landlord was deemed served with notice of the hearing on February 21, 2016, and I proceeded with the hearing in the absence of the landlord.

Issue(s) to be Decided

Should I order the landlord to comply with the Act?
Should I make other orders as requested?

Background and Evidence

The tenant rents a manufactured home park site, which he has rented since January 2008.

The tenant stated that the landlord betrayed the tenant's reasonable expectation of privacy by appearing on the tenant's site without notice or invitation on February 3, 2016. The tenant stated that the landlord stood in his backyard for about five minutes, making a video recording and refusing to leave. The tenant provided a copy of an email

that he sent to the landlord on that date, and the landlord responded that she would not respond to the tenant's tactic of intimidation.

The tenant explained that the personal property he wanted returned was the landlord's video recording of the tenant's property. The tenant wanted to view a copy of the landlord's video and wanted the landlord to provide a complete list of everyone who viewed the video.

Analysis

Under section 23 of the Act, a landlord must not enter a manufactured home site without either obtaining the tenant's permission or giving notice as set out in the Act. I accept the tenant's undisputed evidence that the landlord entered the tenant's site without permission or notice. I find it is appropriate to order the landlord to comply with section 23 of the Act and not enter the rental site without permission or notice. If the landlord fails to comply with this order, it is open to the tenant to apply for further remedies.

I do not find that it is necessary to make further orders as requested. If the landlord complies with section 23, then it is not, in my view, necessary to make further orders to suspend or set limits on the landlord's right to enter the rental site. I find that there is no evidence that the landlord is failing to provide facilities or services required by law. I do not find it appropriate to order the landlord to provide a copy of the video made or a list of the persons who may have viewed it, as this is not the tenant's personal property.

Conclusion

I hereby order the landlord to comply with section 23 of the Act and not enter the rental site without permission or notice.

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: March 21, 2016

Residential Tenancy Branch