



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAROLYN GOLDSTONE
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, RR, O

Introduction

This matter dealt with an application by the Tenant for the Landlord to comply with the Act, regulations and tenancy agreement, for a rent reduction repairs, facilities and services not provided but agreed to and for other considerations.

The Tenant said he served the Landlord with the Application and Notice of Hearing (the “hearing package”) by registered mail on March 3, 2016. Based on the evidence of the Tenant, I find that the Landlord was served with the Tenant’s hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

Issues(s) to be Decided

1. Has the Landlord complied with the Act, regulations and tenancy agreement?
2. Is the Tenant entitled to a rent reduction?
3. What other considerations are there?

Background and Evidence

This tenancy started in November, 1992 as a month to month tenancy. Rent is \$260.00 per month payable in advance of the last day of each month.

The Tenant said that she has made this application because her neighbour is coming into her yard on the manufactured home pad and disturbing her. The Tenant said she has told the Landlord about this problem and the Landlord has not corrected the behaviour of the neighbour. As a result the Tenant said she has made this application because she does not know what else to do. The Tenant requests the Landlord comply with the Act and restore the Tenant’s quiet enjoyment of her rental unit.

Further the Tenant said she was told to request a rent reduction but she does not want to apply for that so the Tenant said she withdraws that application.

The Landlord said she has tried to deal with the feuding between the Tenant and her neighbour and to date she has not been successful. The Landlord said she does not know what to do. The Landlord said the home are old and cannot be moved so it is a very difficult situation.

The Arbitrator asked the Landlord if the Park has rules and if the Tenant and the neighbour had breached those rules. The Landlord said yes the rules have been breached and she has tried to tell the Tenant and the neighbour that they have to get along.

The Tenant said the neighbour said the Landlord gave the neighbour 5 feet of the Tenants yard. The Landlord said the manufactured homes require 5 feet in each side for doing work on the home and this is what she said. The Tenant said the neighbour is coming in her yard and disrupting the Tenant's life.

The Tenant said in closing she would comply with the rules of the Park. The Tenant said all she wants is a quiet place to live. The Tenant apologized to the Landlord for the situation and said they had been friends and she hope that would happen again.

The Landlord accepted the Tenant's apology and said she would implement the decision of the Arbitrator as she did not know what to do at this point.

Analysis

It is the responsibility of all tenants in a Manufactured Home Park to get along and to follow the rules of the Park.

Consequently I order the Landlord to do the following:

1. Establish a clear boundary and clearly mark the boundary between the Tenant's rent unit and her neighbour's rental unit.
2. Establish a clear process for the Tenant and neighbour if either one has to go into the others yard for maintenance work. I recommend a 24 hour Notice of Entry issued by the Landlord.
3. The Landlord will issue the Tenant and the neighbour a copy of the Park Rules.
4. The Landlord will issue a warning letter to both the Tenant and the neighbour for possible breaches of Park Rules and the Landlord will high light Park Rules that the Tenant and the neighbour may have breached. Further in the warning letter the Landlord will explain the Landlord's right to issue a Notice to End Tenancy for breach of Park Rules and the Landlord will explain the consequences of a Notice to End Tenancy to the Tenant and the neighbour.

Conclusion

I order the Landlord to comply with the above decision.

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 19, 2016

Residential Tenancy Branch