



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, PSF, FF, O

Introduction

This is an application brought by the tenant(s) requesting an order for the landlord to comply with the Act or tenancy agreement, in order for the landlord to provide us service or facility required by law, and an order for recovery of the filing fee.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the landlords notice terminating or restricting us service or facility is a valid notice.

Background and Evidence

The landlord and the tenant have been in the dispute over the size of the manufactured home lot that the tenants are renting, and on May 24, 2016 the landlord served the tenants with the notice terminating or restricting us service or facility and described that service or facility as adjacent land to the south, measuring 39 feet with from Pad 20. Remaining 39 feet for your Pad 21.

The tenants of filed a dispute of this notice claiming that it is always been part of their pad rental.

Analysis

I have reviewed the file and it is my finding that this is a dispute over the size of the rental pad, and the area does not meet the definition of service or facility.

Under the Manufactured Home Park Tenancy Act a service or facility is defined as follows:

service or facility" includes any of the following that are provided or agreed to be provided by a landlord to the tenant of a manufactured home site:

- (a) water, sewerage, electricity, lighting, roadway and other facilities;
- (b) utilities and related services;
- (c) garbage facilities and related services;
- (d) laundry facilities;
- (e) parking and storage areas;
- (f) recreation facilities;

The area in dispute is not now, nor has it ever been one of the above and therefore it's my finding that the landlord cannot stop the tenants from using this area with the use of the Notice Terminating or Restricting Us Service or Facility.

Conclusion

It is my finding that the landlords Notice Terminating or Restricting of Service or Facility is not a valid notice.

I order that the landlord bear the \$100.00 cost of the filing fee paid by the tenants, and therefore the tenants may make a one-time \$100.00 deduction from future rent payable to the landlord.

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: July 18, 2016

Residential Tenancy Branch