



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MURPHY HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes O

Introduction

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

- other relief identified as permission to build an additional enclosure to her manufactured home.

The landlord did not attend this hearing, which lasted approximately 16 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The tenant testified that the landlord was served with the tenant's application for dispute resolution hearing package on September 27, 2016, by way of registered mail. The tenant provided a Canada Post receipt and tracking number with her application. In accordance with sections 82 and 83 of the *Act*, I find that the landlord was deemed served with the tenant's application on October 2, 2016, five days after its registered mailing.

Issues to be Decided

Is the tenant entitled to the relief requested?

Background and Evidence

The tenant testified regarding the following facts. This tenancy began on June 1, 2016. Monthly rent in the amount of \$482.00 is payable on the first day of each month. No security deposit was required. The tenant signed a written tenancy agreement but was not provided with a copy from the landlord. The tenant owns the manufactured home ("trailer") and rents the manufactured home site ("site") from the landlord.

The tenant requests permission to build an additional enclosure to the deck of her trailer. She confirmed that she bought the trailer in order to make additions to it, in order to provide for extra storage. She maintained that 75% of the other trailers in the manufactured home park ("park") have additions. She explained that she verbally asked the landlord for permission but he denied it, telling her "we don't do that anymore." She testified that she did not submit any written requests to the landlord and did not receive anything in writing from him. The tenant confirmed that she did not submit any proposed plans for her addition because the landlord denied it, so she did not see the purpose in doing so.

The tenant submitted a copy of the park rules. She stated that rule #18 describes how a structure should be made. She said that she assumed this rule allowed her to build additions to her trailer. She explained that although rule #16 allows the landlord to change the park rules at any time, those changes must be posted in the common area, but it has not been with respect to rule #18.

Analysis

I find that the tenant failed to provide sufficient evidence to demonstrate the additional enclosure she plans to build at her trailer. She did not submit any documentary plans or proposals of same.

I find that the tenant failed to provide documentary evidence that she requested permission from the landlord to make an addition to her trailer and that he rejected this request.

I find that the tenant failed to show how the park rules allow her to build additions to her trailer. Rule #18, which the tenant referenced, discusses the requirements when building "structures above the deck or stair level." It does not provide permission to tenants to make additions to their trailers.

The tenant did not provide written documentation indicating that she was given permission by the landlord to build any additions. The tenant did not provide any documents to show that tenants are permitted build additions to their trailers in this park.

Accordingly, I dismiss the tenant's application for "other relief" identified as permission to build an additional enclosure to her manufactured home, without leave to reapply.

Conclusion

The tenant's application is dismissed without leave to reapply.

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: November 21, 2016

Residential Tenancy Branch