



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding J. W. TIMBER CO. LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: OLC FF

### **Introduction:**

Only the landlord attended the hearing and gave sworn testimony that they served the Application for Dispute Resolution by registered mail and the tenant confirmed she received it. The landlord applies pursuant to the *Manufactured Home Park Tenancy Act* (the Act) for an Order that the tenant comply with the Park Rules pursuant to sections 32 and 26 of the Act and clean up the site and that they recover the filing fee pursuant to Section 65. I find the tenant was legally served with the Application.

### **Issues to be Decided:**

Has the landlord proved on the balance of probabilities that they are entitled to an Order that the tenant clean up the site and to recover the filing fee for this application?

### **Background and Evidence:**

The tenant did not attend the hearing. The landlord testified that the tenancy commenced in 2014 and the site rent is \$367.75. The tenant has a manufactured home on the site which she rents to another party. The site has become increasingly cluttered with unlicensed vehicles, tires, an oil tank, a lot of garbage and an old appliance on the porch. The landlord said they had sent warning letters to the tenant regarding the condition of the site and the tenant had made some efforts to clean it up. However, there is still an unlicensed vehicle, garbage, an oil tank, tires and an appliance on the porch. This violates the Park Rules. They request an Order that the tenant clean the site up in accordance with the Park Rules and the Act.

In evidence are copies of the Park Rules, warning letters and correspondence from the owner of the home regarding the tenant's non payment of rent. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

### **Analysis:**

Section 26 (2) of the Act requires a tenant to maintain cleanliness and sanitary standards throughout the manufactured home site and in common areas. Section 32 of the Act gives the Park authority to establish rules for the park. The Park Rules in evidence clearly state that all vehicles must be licensed and be in operating condition and only 2 vehicles are permitted per site. They also state that tenants must maintain their yards and homes in a neat, clean and sanitary condition, including removing all garbage.

I find the tenant is in violation of the Act and Rules and the landlord is entitled to an order that the tenant obey the Rules and remove all garbage, accumulated items and the unlicensed vehicle.

**Conclusion:**

I find that the landlord is entitled to recover filing fees paid for this application and a monetary order is enclosed for this amount.

**I HEREBY ORDER that the tenant immediately remove from the site or common areas the unlicensed vehicle, all garbage, the stored oil tank and tires and the appliance stored on the porch.**

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 29, 2016

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Residential Tenancy Branch