



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Norcal Prime Equity Corp.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP, RP, FF

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution seeking an order to have the landlords make emergency repairs. The hearing was conducted via teleconference and was attended by both tenants.

The tenant testified each named landlord was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 52(3) of the *Manufactured Home Park Tenancy Act (Act)*. The tenant testified the person named as landlord was served personally with these documents on November 5, 2016 and the corporate landlord was served by registered mail on November 5, 2016 in accordance with Section 82. Section 83 of the *Act* deems documents served by registered mail are deemed to be received on the 5th day after they have been mailed.

Based on the testimony of the tenant, I find that each named landlord has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to an order to have the landlords complete repairs and emergency repairs and to recover the filing fee from the landlords for the cost of the Application for Dispute Resolution, pursuant to Sections 26, 27, 60, and 75 of the *Act*.

Background and Evidence

The tenant submitted that they have been living in this park since the spring of 1992 for a current monthly rent of \$353.00 due on the 1st of each month.

The tenant stated that about 6 to 8 months he discussed with the landlord the need to replace the power pole in the property with the meter for service to three pads in the park.

The tenant stated he had contacted hydro who sent out two staff to assess the pole. The tenant confirmed that hydro staff informed him that the pole was the responsibility of the landlord and that the pole that the meter was currently on did look like it should be replaced.

The tenant submitted that the pole is at least 50 years old and rotted at the bottom. The tenant stated that the only reason the pole hasn't fallen yet is because it is being held up by the tree right next to it. The tenants have submitted several photographs of the pole and tree.

Analysis

Section 26(1) of the *Act* requires the landlord must provide and maintain the manufactured home park in a reasonable state of repair, and comply with housing, health and safety standards required by law.

Section 27(1) of the *Act* defines "emergency repairs" as repairs that are urgent, necessary for the health or safety of anyone or for the preservation or use of property in the manufactured home park, and made for the purpose of repairing:

- Major leaks in pipes,
- Damaged or blocked water or sewer pipes,
- The electrical systems; or
- In prescribed circumstances the manufactured home site or the manufactured home park.

Based on the tenants' undisputed submissions and testimony I find the landlord is failing to comply with the requirements set forth in Sections 26 and 27 of the *Act*.

Conclusion

Based on the above, I order the landlords to replace the power pole that holds the meter that provides electricity to the tenants' site no later than January 15, 2016. I caution the landlords that should they fail to comply with this order the tenants may seek compensation for failure to comply with the *Act* and this order.

I find the tenants are entitled to monetary compensation pursuant to Section 67 in the amount of **\$100.00** comprised of the fee paid by the tenants for this application.

I order the tenants may deduct this amount from a future rent payment pursuant to Section 72(2)(a) of the *Act*.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 20, 2016

Residential Tenancy Branch