



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1027110 B.C. LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, ERP, RP, RR, OLC, LRE

Introduction

This hearing dealt with the tenant's application pursuant to the *Manufactured Home Park Tenancy Act*. ("MHPTA"). At the outset of the hearing the tenant advised that she has moved out and that the only item she was seeking is a monetary order. The tenant applied for:

- a monetary order for money owed or compensation for damage or loss under the *MHPTA, Regulation* or tenancy agreement, pursuant to section 60.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The parties acknowledged receipt of evidence submitted by the other.

Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

Background, Evidence

The tenant's testimony is as follows. The applicant stated she was not a tenant but was part owner of the trailer that sat on the subject site. The tenant testified that she lived in the trailer with the registered owner for 12 years. The tenant testified that she was the common law spouse of the registered owner and that she became the owner after he died. The tenant testified that her spouse's sister sold the trailer and settled the matter with the landlords without her knowledge. The tenant testified that she should be entitled to \$25000.00 compensation for the manner in which the landlords ran the park and the way they handled the eviction of tenants. The tenant testified that the park was damaged and in need of repairs, drug addicts were constantly present and feces were

strewn about the park. The tenant testified that the pain and suffering she endured entitles her to the amount as sought.

The landlords' agents gave the following testimony. SM testified that the landlord had dealt with the rightful and registered owner of the trailer and that the applicant was not noted on any documentation. SM testified that the deceased's sister was listed as co-owner and joint tenant and provided all necessary and legal documentation to execute the sale and settlement of the matter. KP testified that great lengths were taken to assist the tenant; including living rent free for several months. KP testified that the landlord has resolved and settled this matter with the rightful owner of the trailer and that the tenant's claim lacks merit. SM adamantly disputes the allegations as made by the tenant SM testified that the tenant has not provided any evidence to support her claim and that the application should be dismissed.

Analysis

While I have turned my mind to all the documentary evidence and the testimony of the parties, not all details of the respective submissions and arguments are reproduced here. The principal aspects of the tenant's claim and my findings around each are set out below.

Section 60 of the *MHPTA* establishes that if damage or loss results from a tenancy, an Arbitrator may determine the amount of that damage or loss and order that party to pay compensation to the other party. In order to claim for damage or loss under the *MHPTA* the party claiming the damage or loss bears the burden of proof. The claimant must prove the existence of the damage/loss, and that it stemmed directly from a violation of the agreement or a contravention of the *MHPTA* on the part of the other party.

The applicant must also show that they followed section 7(2) of the *MHPTA* by taking steps to mitigate or minimize the loss or damage being claimed. Once that has been established, the claimant must then provide evidence that can verify the actual monetary amount of the loss or damage. The tenant provided a hand written statement of issues she felt that justified her claim but no other supporting evidence. Based on the insufficient evidence before me, the tenant has not met the burden as outlined above in Section 60 of the *MHPTA*; accordingly, I dismiss the application in its entirety.

Conclusion

The tenants' application is dismissed in its entirety.

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: February 15, 2017

Residential Tenancy Branch