



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, O, OLC, PSF, RP

Introduction

This hearing convened as a result of Tenant's Application for Dispute Resolution wherein the Tenant requested an Order that the Landlord make repairs, emergency and otherwise, an Order that the Landlord comply with the *Manufactured Home Park Tenancy Act*, an Order that the Landlord provide services or facilities required by law, other unspecified relief and to recover the filing fee.

The hearing was conducted by teleconference on June 19, 2017. Both parties called into the hearing and were given a full opportunity to be heard, to present their affirmed testimony, to present their evidence orally and in written and documentary form, and make submissions to me.

The parties agreed that all evidence that each party provided had been exchanged. No issues with respect to service or delivery of documents or evidence were raised.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, not all details of the respective submissions and or arguments are reproduced here; further, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matter—Issues to be Decided

Hearing dates are obtained on a priority basis, such that claims for possession of a rental unit, emergency repairs, and other such urgent applications are scheduled before other non-urgent matters.

Residential Tenancy Branch Rule of Procedure 2.3 permits Arbitrators to use their discretion to dismiss unrelated claims with or without leave to reapply.

It is my determination that the priority claim made by the Tenant was for emergency repairs. The parties were given a priority hearing date in order to address this claim.

I therefore exercise my discretion to dismiss the balance of the Tenant's claims with leave to reapply.

Issue to be Decided

Should the Landlord be ordered to comply with the *Manufactured Home Park Tenancy Act* and make emergency repairs?

Background and Evidence

The emergency repairs requested by the Tenant relate to the electrical supply line and the electrical connection box. She also raises health and safety concerns relating to fire hazard posed by her neighbour's wood burning furnace, and the location of a "car tent" on her neighbour's manufactured home site, in which she suspects he is performing unpermitted welding.

The Tenant's witness, M.K., testified first as he was calling from an airport during the hearing. He confirmed that he is a general contractor. He stated that every manufactured home in the park used to be on a 60 amp service, and now every manufactured home has been upgraded to a 100 amp service.

He stated that to his knowledge the hydro bills are very high and he believes that this is due to the fact that the wire between the manufactured home and the panel is undersized. He also stated that he believes that this may pose a risk as there is more power being pulled through a 60 amp wire than it is designed to carry.

He confirmed that he did not look at the wire connecting the subject manufacture home and therefore does not know whether the wire is in fact undersized. He stated that he would have to open up the box under the manufactured home and "dig down a bit".

In terms of the repair that he believes is necessary, M.K. stated that the "safety authority" should check the wire and if necessary the Landlord should run new wire.

M.K. also stated that when you crawl under the manufactured home, during certain times of the year, there is puddling of water near where the electrical connection is. M.K. stated that when the manufactured home park owner provides an electrical connection it should be raised to the extent that water can't get to the box.

M.K. said that an electrician can simply inspect the wire, and the connection, and if necessary, change the wire to ensure it is sufficient for the amperage and move the connection box to ensure it is safe.

The Tenant testified as follows. The Tenant stated that she is concerned about the location of the electrical connection as well as the sufficiency of the electrical wire. She stated that she made a complaint two months ago and as a result she believes D.B., whom she described as the "safety authority" may come to inspect the electrical connection.

The Tenant also stated that her neighbour is "burning anything" in their wood furnace, such as plastics and other hazardous material. She stated that there doesn't seem to have any visible firewood so she is not sure what they are burning. She submitted photos in evidence which indicate the chimney is dripping with creosote. The Tenant further stated that she believes the neighbour's chimney is not "adequate height" such that it poses a fire hazard.

The Tenant also stated that her neighbour has erected a car tent which has been reinforced and is therefore a permanent structure. She said that the neighbour appears to be doing car repairs with a grinder and welder inside the car tent, which she believes is not permitted, and poses a fire risk.

In response to the Tenant's claims the Landlord stated that it was her understanding that the Tenant was concerned about black smoke coming from her neighbour's chimney as she suspected they were burning plastic. She stated that this was inspected and it was determined the neighbour was burning seasoned wood, not plastic.

The Landlord also confirmed that another Tenant complained about smoke from a fire pit in another neighbour's back yard. The Landlord stated that she has given reminder notices to all residents about no burning in the park (proof of this was provided in the materials).

Settlement and Conclusion

The Landlord confirmed she was agreeable to attending the requests of the Tenant as follows.

1. By no later than, June 26, 2017, the Landlord shall have a certified electrician attend the manufactured home park to inspect the electrical connection to the subject manufactured home and the sufficiency of the supply wire. Should the certified electrician make any recommendations for repairs, such repairs shall be completed by no later than July 19, 2017.

2. By no later than July 19, 2017, the Landlord shall obtain from any occupant of the manufactured home park with wood burning heat sources or fireplaces, proof of annual cleaning and inspection by a certified chimney inspector. In the event the occupant has not attended to such cleaning or inspection within a calendar year of the hearing date, the Landlord shall require the occupants to attend to such inspection and cleaning, and provide proof of same, by no later than August 3, 2017.
3. The Landlord shall ensure any structures in the manufactured home park are in compliance with the manufactured home park rules.

The terms of this agreement is recorded in this my Decision and Order pursuant to section 56 of the *Manufactured Home Park Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis.

Pursuant to section 55(3) of the *Act*, I Order as follows:

4. Should the Landlord not comply with paragraphs 1, 2 and 3 as provided for above, the Tenant shall be at liberty to apply for further relief, including monetary compensation for breach of quiet enjoyment.
5. The parties will attempt to resolve the other matters raised in the Tenant's Application for Dispute Resolution filed May 15, 2017. Should the parties be unsuccessful in resolving these issues by agreement, the Tenant shall be at liberty to reapply to the Residential Tenancy Branch for the balance of the relief sought in her Application.

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: June 19, 2017

Residential Tenancy Branch