



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Decision Codes: FF, O

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An order that the Tenant comply with the Manufactured Home Park Tenancy Act, Regulations and/or tenancy agreement
- b. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides on November 6, 2017. With respect to each of the applicant's claims I find as follows:

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an order that the Tenant comply with the Manufactured Home Park Tenancy Act, Regulations and/or tenancy agreement?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The landlord purchased the manufactured home park in 2013. The respondent was residing in the park prior to the landlord taking ownership. The parties have entered into a written tenancy agreement. The present rent is \$400.42 per month payable in advance on the first day of each month.

The landlord gave evidence of that the deck off of the manufactured home has significant deficiencies and is dangerous. She produced photographs and the report of a qualified carpenter outlining the deficiencies and concluding that the deck should be

replaced. She also testified the condition of the deck and the appearance of the manufactured home is contrary to the Park Rules.

Section 26(1) of the Manufactured Home Park Tenancy Act provides as follows:

Landlord and tenant obligations to repair and maintain

26 (2) A tenant must maintain reasonable health, cleanliness and sanitary standards throughout the manufactured home site and in common areas.

(3) A tenant must repair damage to the manufactured home site or common areas that is caused by the actions or neglect of the tenant or a person permitted in the manufactured home park by the tenant.

(4) A tenant is not required to make repairs for reasonable wear and tear.

(5) A landlord is not required to maintain or repair improvements made to a manufactured home site by a tenant occupying the site, or the assignee of the tenant, unless the obligation to do so is a term of their tenancy agreement.

Landlord's Application - Analysis

I determined the condition of the deck is contrary to the provisions of the building code and is a hazard. It is also contrary to the Park Rules. In addition I determined the general appearance of the manufactured home is contrary to the Park Rules. As a result I made the following order:

- a. I order the Tenant remove the present deck and replace it with a deck that meets the Building Code and Park Rules by March 31, 2018.
- b. I order that the Tenant paint the exterior of his manufactured home so that it complies with the Park Rules and industry standards by July 31, 2018.

As the landlord has been successful with this application I order that the Tenant pay to the landlord the sum of \$100 for the cost of the filing fee.

The landlord testified she served a one month Notice to End Tenancy on the tenant. The online Application for Dispute Resolution does not indicate the landlord has filed a formal Amendment to the Application for Procedure which is required. The problems

may have been caused by the change in procedure as to how an Application for Dispute Resolution must be filed which came into force in late September. In any event I determined that I cannot make an Order of Possession and decline to do so.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: January 15, 2018

Residential Tenancy Branch