



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR MNDC OLC ERP RP PSF AAT

### Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") under the *Manufactured Home Park Tenancy Act* ("Act"). The tenant applied for an order directing the landlord to comply with the Act, regulation or tenancy agreement, for a monetary claim of \$10,700.00 for the cost of emergency repairs and for compensation under the Act, regulation or tenancy agreement, which was not broken down by way of a monetary order worksheet, for emergency repairs for health or safety reasons, for regular repairs, for the landlord to provide services or facilities that were agreed upon but not provided, and for the landlord to allow access to the site or property.

The tenant, a case manager for the tenant, the landlord, and four witnesses for the tenant attended the teleconference hearing. The hearing process was explained to the parties and an opportunity was given to ask questions about the hearing process. The parties were also advised of conduct in the hearing and that interruptions would not be tolerated after a warning.

Neither party raised any concerns regarding the service of documentary evidence. As a result, I find the parties were sufficiently served under the Act.

### Preliminary and Procedural Matters

The parties provided their email addresses at the outset of the hearing which were confirmed by the undersigned arbitrator and confirmed that the decision would be emailed to both parties.

The tenant was advised that the tenant had the incorrect site number listed on her application and as a result I amended her application to include the correct site number.

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure ("rules") authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the

tenant indicated several matters of dispute on the application, the most urgent of which is the application for emergency repairs to the unit, site or property and for services or facilities agreed upon but not provided. I find that not all the claims on this application for Dispute Resolution are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request for emergency repairs to the unit, site or property and to provide services or facilities agreed upon but not provided. The balance of the tenant's application is **dismissed, with leave to re-apply**. The tenant is cautioned to include full financial details of any future monetary claim as the tenant was advised during the hearing that I was not satisfied that either I or the respondent was aware of what her \$10,700.00 monetary claim was for due not filing a monetary order worksheet.

In addition, the tenant had to be cautioned during the hearing for interrupting the arbitrator. This will be addressed further below.

#### Issues to be Decided

- Has the tenant provided sufficient evidence to support an order for emergency repairs for health or safety reasons under the *Act*?
- Has the tenant provided sufficient evidence to support an order for the landlord to provide services or facilities agreed upon but not provided under the *Act*?

#### Background and Evidence

The tenant began by stating that her claim for emergency repairs for health or safety reasons was related to the neighbour in site 4 destroying her siding of her manufactured home by blowing snow with his snow blower onto her siding. The tenant also alleges that her neighbour in site 4 has non-conforming burning from a wood stove and referenced a previous decision, the file number of which has been included on the cover page of this decision for ease of reference ("previous decision").

In the previous decision, the parties reached a mutually settled agreement and in #1, the landlord agreed to the following:

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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.”

[Reproduced as written]

The landlord was asked if she submitted evidence to support that she complied with #1 and replied that she had, and referred me to a document dated July 18, 2017 which clearly indicates that a certified electrician did a walkthrough and completed the required repairs and included a permit number in the document. The amount paid by the landlord was \$1,110.00.

The tenant's response was that she wanted to call the person from the Safety Authority but that he would not be doing a check until the date of the hearing, which I stated could not be considered in my decision as the person was not available to provide testimony. In addition, the tenant requested to call a general contractor as a witness, which was declined as I stated a general contractor's evidence would not override the written documentary evidence I had to support that a licensed electrical contractor performed the work as ordered. The tenant was advised that based on the documentary evidence I was satisfied that #1 in the previous decision had been complied with by the landlord. At that time, the tenant would not stop interrupting the arbitrator and had already been warned about interruptions. As a result, the tenant was advised that due to her behaviour her application was dismissed without leave to reapply as I could not hear additional evidence.

**I caution** the tenant from not interrupting an arbitrator during a dispute resolution hearing in the future and that speaking over an arbitrator when they are providing direction and/or cautioning a party regarding their behaviour in a hearing is not reasonable and will not be tolerated. If the tenant is unable to stop interrupting or otherwise control her behaviour during a dispute resolution hearing, the tenant is encouraged to have an agent present her application on her behalf.

### Analysis

For the reasons stated above, I find the tenant has provided insufficient evidence to support her application and due to her continuing interruptions during the dispute resolution hearing, the tenant's application is **dismissed without leave to reapply**. I note that this does not include the portion that was already severed pursuant to Rule 2.3 of the rules described above.

Conclusion

The tenant's application is dismissed without leave to reapply.

I note that this does not include the portion that was already severed pursuant to Rule 2.3 of the rules described above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 7, 2018

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Residential Tenancy Branch