



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Manufactured Home Park Tenancy Act* (the "Act") for:

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 55.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed that the tenant served the landlord with the notice of hearing package in person. Both parties confirmed receipt of the submitted documentary evidence provided by the other party. Neither party raised any issues with service. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am sufficiently satisfied that both parties were deemed served as per section 90 of the Act.

At the outset it was clarified with both parties the tenant seeks an order compelling the landlord to install water meters for the entire manufactured home park.

Issue(s) to be Decided

Is the tenant entitled to an order for the landlord to comply with the Act, regulations or tenancy agreement?

Background and Evidence

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 / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

The tenant seeks an order for the landlord to install a water meter for each manufactured home park to get accurate readings for individual tenant water consumption. The tenant stated that tenant utility costs are higher due to excessive consumption from water leaks and tenant neglect. The tenant argues that over ½ of the tenants has water utilities included in their tenancy agreements and that some have multiple tenants residing in each manufactured home. The tenant argues that this is "unfair".

In support of this claim the tenant has provided copies of past water utility bills which show a division of costs divided by either 37 or 38 parts.

The landlord argues that water and sewage are not included in this tenancy. The tenancy agreement provided by the landlord states that "these services" will be billed quarterly and pro-rated for each tenant on a 1/37th share. The landlord refers to section 3 (e) of the tenancy agreement which was initialed by the landlord's agent and the tenant in agreement to these terms at the start of the tenancy on December 1, 2010 and that the tenant has made these utility payments to the landlord since the beginning of the tenancy. The landlord argued that there are no provisions in the Act or regulations that a landlord must provide a tenant with a water meter. The landlord provides to the tenant a copy of a utility bill which is calculated based upon the agreed terms of the utilities from the tenancy agreement. The landlord also argues that the change in the division from either 37 or 38 parts is determined based upon the number of tenants. The landlord argued that there has been no breach of the Act, regulations or the tenancy agreement which require the installation of a water meter for each tenant.

Analysis

Section 55 of the Act states in part that, an order may be made necessary to give effect to the rights, obligations and prohibitions including an order that a landlord or tenancy comply with this Act, the regulations or tenancy agreement.

The tenant seeks an order for the landlord to install a water meters for each of the tenants in an attempt to get accurate readings for tenant consumption of water. The tenant has argued that due to poor tenant habits on water consumption and water leaks she feels that she is over paying on her water bills.

The landlord has argued that there are no provisions within the Act, regulations or the tenancy agreement which requires the installation of a water meter for each of the tenants.

In this case, I find that there are no provisions within the Act, Regulations or the tenancy agreement which provide for the installation of water meters. Although the tenant has argued that this would determine individual water consumption this would not change the terms of her tenancy agreement which is based upon an approximate 1/37 part share of the whole water utility usage bill. On this basis, I find that the tenant has failed in her application.

Conclusion

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

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 09, 2018

Residential Tenancy Branch