



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes

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### Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Manufactured Home Park Tenancy Act* (the “Act”) for an Order for the Tenant to comply with the Manufactured Home Park Rules.

An agent for the Landlord (the “Landlord”) and an owner for the Manufactured Home Park were present on the teleconference hearing. Only the agent participated in the hearing. One of the Tenants was also present for the duration of the hearing and confirmed receipt of the Notice of Dispute Resolution Proceeding package and a copy of the Landlord’s evidence. The Tenants did not submit any evidence prior to the hearing.

All parties were affirmed to be truthful in their testimony and were provided with the opportunity to present evidence, make submissions and question the other party.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Issues to be Decided

Should the Tenants be ordered to comply with the Manufactured Home Park Rules?

### Background and Evidence

The parties were in agreement that the tenancy began in 1995 and current monthly rent is \$408.00.

The Landlord provided testimony that in April 2017, he approached the Tenants to tidy up their manufactured home, as well as the property of the manufactured home site. The Landlord spoke to the Tenants again in February 2018 and provided until May 2018 to have the home and property tidied up and in a reasonable and orderly condition.

When this was not completed, the Landlord provided the Tenants with a letter dated May 31, 2018. The letter asked the Tenants to complete the following by June 30, 2018:

- Repair the fence at the side of the home
- Remove all junk and garbage on the property
- Repair the shed, including installing a door
- Remove a plastic enclosure from the property
- Store boat and ATV appropriately
- Clean and paint the exterior of the manufactured home
- Keep grass mowed and do not park vehicles on grass
- Keep items on property tidy and organized, or remove them from the property
- Maintain home and property in accordance with the Manufactured Home Park Rules

The Landlord testified that the Manufactured Home Park Rules had previously been provided to the Tenants, and were provided again with the letter dated May 31, 2018.

The Landlord testified that another letter was provided to the Tenants offering assistance with removing junk on the property, as well as providing paint and other supplies. The undated letter was submitted into evidence by the Landlord.

The Landlord stated that some items from the list had been completed. The Tenants had removed some junk from the property and had installed siding onto the manufactured home.

The Tenants also painted the shed on the property, although the Landlord stated that it needs to be painted a more reasonable colour. However, the Landlord testified that many items still were not completed and that some repairs and maintenance were not finished. The Landlord submitted that siding had been installed on one part of the home, but the remainder of the manufactured home still required painting. The Landlord submitted photos of the manufactured home and site.

The Manufactured Home Park Rules were submitted into evidence. The Landlord referenced clause 9 of the rules which states the following:

‘The Tenant must maintain the Site, the landscaping and the home in good repair and in a neat, clean and sanitary condition. Maintenance of improvements is entirely the responsibility of the Tenant, and the Landlord is not responsible or liable in any way for their repair, safety, construction standards, or future condition. Unless otherwise specified in a written agreement between the Tenant and the Landlord, the Tenant is

responsible for expenses and maintenance of (a) the Tenant's dwelling unit, skirting and additions; (b) the utility connection lines from the Park's service points to the manufactured home; (c) setup, blocking and periodic leveling of the manufactured home and additions; (d) the Site's landscaping, fencing, rock walls, driveways, or other improvements. Any enlargements of driveways must be paved and have the approval of the Landlord.' (Reproduced as written)

The Tenant testified that he received both letters from the Landlord. He submitted that he put vinyl siding on one area of the manufactured home and painted the other sides of the home to match. He stated that any discolouration is due to the poor condition of the water which caused staining on the paint.

The Tenant also testified that he has not had time to complete the rest of the maintenance requests from the Landlord. He works on his home and property as much as he can. The Tenant testified that he recently painted the shed, but agreed that it should be re-painted in a different colour.

The Tenant testified that he does mow the lawn regularly and that he now stores the ATV at the side of the home where it cannot be seen. He submitted that there are only a few items in the yard and that no vehicles are currently parked on the grass.

As the Tenant stated that he has painted the home recently, he requested that the Landlord show him where further painting is needed.

### Analysis

I accept the testimony of both parties that some repairs and maintenance have been completed on the manufactured home and manufactured home site. However, both parties were also in agreement that there is some more work to be completed.

I refer to Section 26 of the *Act* which states that both a landlord and a tenant have a duty to maintain the home and site in a reasonably clean manner. Section 26(2) states the following:

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

As such, I find the Landlord's requests to the Tenant to be reasonable and in line with the requirements of the *Act*, as well as the specific requirements of the Manufactured Home Park Rules as provided by the Landlord.

I also accept the second letter provided by the Landlord in which the Landlord offered to assist the Tenant with the maintenance. I find this to be in accordance with Section 26 of the *Act*, in

which both parties have a duty to maintain reasonable standards for the manufactured home site.

Pursuant to Section 55 of the *Act*, I order the Tenants to complete the repairs and maintenance as requested by the Landlord and outlined in the letter dated May 31, 2018. The Tenants are provided until November 30, 2018 to have the manufactured home and manufactured home site in reasonable condition in accordance with Section 26 of the *Act* and with the Manufactured Home Park Rules.

The Landlord must continue to provide assistance to the Tenants, as outlined in their letter.

Should the Tenants not comply with this Order, the Landlord may find cause to end the tenancy in accordance with the *Act*. This decision may be evidence of additional time and warning provided to the Tenants in which to comply with the request of the Landlord in regard to the condition of the manufactured home and manufactured home site. I also note that failure to comply with an Order from the Residential Tenancy Branch may be a ground to end a tenancy under Section 40 of the *Act*.

#### Conclusion

The Tenants are ordered to comply with clause 9 of the Manufactured Home Park Rules and Section 26 of the *Manufactured Home Park Tenancy Act*. The Tenants are ordered to complete the repairs and maintenance of the home and site as outlined in the Landlord's letter dated May 31, 2018. The Tenants have until November 30, 2018 to complete the Landlord's requests.

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: September 5, 2018

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Residential Tenancy Branch