



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

This hearing was convened in response to an application by the tenant pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”) for Orders as follows:

- an Order directing the landlord to comply with the *Act* pursuant to section 55 of the *Act*.

Both the landlord’s agent and tenant’s advocate appeared at the hearing. Both parties confirmed receipt of each other’s evidentiary packages and the landlord confirmed receipt of the tenant’s application for dispute resolution. All parties are found to have been duly served in accordance with the *Act*.

Issue(s) to be Decided

Should the landlord be directed to comply with the *Act*?

Background and Evidence

The parties explained they had both attended a hearing in July 2018 where the tenant had withdrawn her application for dispute. Following this hearing the landlord applied for, and was granted an Order of Possession against the tenant’s neighbours following the decision of an arbitrator with the *Residential Tenancy Branch*.

The tenant’s advocate said that the landlord had failed to enforce the Order of Possession against the tenant’s neighbour and the tenant continued to feel threatened by the presence of this individual. The tenant sought an Order directing the landlord to comply with the *Act* and to enforce the Order of Possession granted in the landlord’s favour.

The landlord acknowledged that an Order of Possession had been granted in her favour naming the tenant's neighbours as the respondents. The landlord said the source of conflict had in fact been the son of these neighbours, and this person had recently agreed to exclude himself from the property. The landlord said she was working with the neighbours and their son to ensure that a safe property was maintained.

Analysis

I find I am unable to grant relief to the tenant as sought in her application. Section 55(3) of the *Act* states as follows, "The director may make any order necessary to give effect to the rights, obligations and prohibitions under this *Act*, including an order that a landlord or tenant comply with this *Act*, the regulations or a tenancy agreement."

I find in applying for and receiving an Order of Possession that the landlord has taken reasonable steps to ensure that the tenant's right to quiet were sufficiently protected and I have no power under the *Act* to compel a landlord or tenant to enforce and order which has already been granted in their favour. My powers as an arbitrator are limited to the provisions contained within the *Act*. Section 77 of the *Act* states, "A decision or an order of the director may be filed in the Supreme Court and enforced as a judgement or an order of that court."

Should the landlord fail to maintain a property that adequately protects the tenant's right to quiet enjoyment, the landlord may at a future date, be liable to compensate the tenant for this failure pursuant to section 22 of the *Act*.

Section 22 of the *Act* states, "A tenant is entitled to quiet enjoyment including but not limited to reasonable privacy, freedom from unreasonable disturbance, exclusive possession of the manufactured home site subject only to the landlord's right to enter the manufactured home site in accordance with section 23, and use of common areas for reasonable and lawful purposes, free from significant interference."

Conclusion

The tenant's application directing the landlord to comply with the *Act* is dismissed.

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: November 19, 2018

Residential Tenancy Branch