



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Grappa Investments Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held, via teleconference, on November 30, 2018. The Tenant applied for an order that the Landlord comply with the *Manufactured Home Park Tenancy Act* (the "Act").

Both sides attended the hearing. All parties provided testimony and were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. The Landlord confirmed receipt of the Tenant's application and evidence. The Landlord did not submit any evidence.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence submitted in accordance with the rules of procedure, and evidence that is relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Is the Tenant entitled to an order that the Landlord comply with the Act, or the Tenancy Agreement?

Background and Evidence

The Tenant spoke to some of the material he provided and the different exhibits in his evidence. On the Tenant's application form, he indicated he is not pleased with the "unfounded" accusations, and takes issue with the warning letter he was issued earlier in the year. The Tenant went on in great detail about his relationship with management in

the park, and the Tenant feels some of the management committee is a threat to his tenancy at the park.

The Tenant took issue with several members of the management team, but also with another Tenant, K.J., who was present as a witness for the Landlord. The Tenant stated that he received a warning letter in July of 2018, and it was unfounded. The Tenant took issue with K.J.'s involvement with some of the park committees, and feels he is being unfairly treated. The Tenant wants the Landlord to rescind the warning letter from earlier in the year, and he wants an apology.

The Landlord stated that the Tenant keeps taking them to arbitration for trivial items, and this is just another example. The Landlord stated that at the last hearing, they were successful in having the Notice of Rent Increase upheld, and they believe the Tenant is mad about this outcome. The Landlord stated that they are unclear as to what exactly the Tenant is asking for in this hearing. The Landlord stated that they manage and run the park diligently, and this particular tenant is the only one causing such issues. The Landlord stated that they refuse to rescind the warning letter they issued back in July because it was issued for good reason, after the Tenant was verbally aggressive to another tenant, K.J.

K.J. provided testimony at the hearing and spoke to the Tenant's conduct, and stated that he was rude and aggressive towards her. The Landlord stated that they issued the warning letter due to this behaviour, and they take warning letters seriously, which is why they refuse to withdraw it at this time. The Landlord stated that all park rules and regulations are done lawfully and are run through their legal team, and they deny that they have breached any part of the Act. The Landlord believes the Tenant's application has no basis, as they are operating the park properly, and lawfully.

Analysis

A party that makes an application against another party has the burden to prove their claim.

Based on the documentary evidence and the testimony of the parties provided during the hearing, and on the balance of probabilities, I find the following.

I note the Tenant has provided a detailed account of what he dislikes about the home park, how he is treated by certain members of the management team, and how his interactions to date with another Tenant, K.J., has impacted his tenancy at the park.

After having considered the testimony and the evidence from the Tenant, I find the nature of his application unclear, in that it is not sufficiently clear what portion of the Act, the Tenancy Agreement, or the regulations he is looking for the Landlord to comply with. The only issue that was clearly identified and laid out on the application and in the

hearing was in relation to the warning letter the Tenant received in July of 2018. I note the Landlord brought a witness to support that this warning letter was issued in good faith, and for just cause, after the Tenant had a negative interaction with other park members. I do not find the Tenant has sufficiently demonstrated how this warning letter is unlawful, or in contravention of his rights. I decline to make any orders in relation to this warning letter. I do not find the Tenant has sufficiently demonstrated that he is entitled to an order for the Landlord to comply with the Act, the Tenancy Agreement, or the Regulations.

I note the bulk of the Tenant's issues relate to his dealings and experiences with another one of the Tenants, K.J. I acknowledge that K.J. is involved in some park committees, as she is allowed to be. However, I encourage K.J. and the Tenant to avoid contact as much as possible, in order to mitigate any future issues and I encourage the Tenant to utilize other committee members, if possible, should he want to participate or interact with these committees.

Since the Tenant was not successful with his application, I decline to award the recovery of the filing fee.

Conclusion

The Tenant's application is dismissed, in full, 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: December 3, 2018

Residential Tenancy Branch