



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding EK SMITH CONSTRUCTION COMPANY LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes            RP, MNDCT, OLC, FFT

### Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Manufactured Home Park Tenancy Act* ("Act"). The tenant applied for repairs to the unit, site or property, for a monetary claim of \$6,741.01 for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenant, a tenant agent ("agent") and the landlords attended the hearing. The hearing process was explained to the parties, the parties gave affirmed testimony and were provided the opportunity to present any evidence that was submitted in accordance with the Rules of Procedure. I have only referred to the evidence that is relevant to the findings in this decision.

Neither party raised any concerns regarding the service of documentary evidence.

### Preliminary and Procedural Matters

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 repairs to the unit, site or property. I find that not all the claims on the application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request for repairs to the unit, site or property and the tenant's application to recover the cost of the filing fee at this proceeding. The balance of the tenant's application is **dismissed, with leave to re-apply**.

Also, the corporate name of the landlord was added to the tenant's application pursuant to section 57(3) of the *Act*.

In addition to the above, the parties confirmed their email addresses during the hearing. The parties were advised that the decision will be emailed to both parties.

### Issues to be Decided

- Is an order for repairs to the unit, site or property required under the *Act*?
- Is the tenant entitled to the recovery of the cost of the filing fee under the *Act*?

### Background and Evidence

During the hearing, the tenant and the tenant's agent confirmed that the repairs to a sewer line running under the rental site have already been completed and that as of the date of this hearing, the request for repairs to the unit, site or property is no longer required.

The landlords confirmed that the sewer repair has already been completed by their regular contractor whom they have dealt with for over 30 years.

### Analysis

Based on the above, the testimony and documentary evidence, and on a balance of probabilities, I find as follows.

Based on the testimony of the tenants which was supported by the landlords, I find this matter has already been resolved and that a repair order as requested is no longer required as of the date of this hearing, December 4, 2018.

I do not grant the filing fee as a result as a repair order is not necessary.

### Conclusion

A repair order related to the sewer is not required as the matter has already been addressed according to both parties.

The filing fee is not granted.

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: December 4, 2018

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Residential Tenancy Branch