



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC FFT

Introduction

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

- an order that the landlord comply with the Act, regulations and tenancy agreement pursuant to section 55; and
- authorization to recover the filing fee from the landlord pursuant to section 65.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

As both parties were present service of documents was confirmed. The landlord confirmed receipt of the tenant's application for dispute resolution, amendment to the application and evidentiary materials. The landlord said that they had not served any evidentiary materials of their own. Based on the testimonies I find that the landlord was served with the tenant's materials in accordance with sections 81, 82 and 83 of the *Act*.

Issue(s) to be Decided

Should the landlord be ordered to comply with the Act, regulations or tenancy agreement?

Is the tenant entitled to recover the filing fee from the landlord?

Background and Evidence

The parties agreed that this tenancy began in July, 2017 and the current monthly rent is \$380.00, payable on the first of each month.

The landlord testified that since the start of the tenancy they have issued some warnings, both verbal and in writing, to the tenant to comply with park rules. The

landlord said that the tenant's violations include unauthorized yard work outside of their lot and trespassing on neighboring lots. The landlord said that complaints have been received regarding the tenant's behaviour from other residents necessitating issuing warnings. Copies of the letters issued were submitted into written evidence by the tenant.

The tenant characterizes the landlord's actions as harassment and seeks an order that the landlord cease issuing warning letters and demanding compliance.

Analysis

I find that there is insufficient evidence to conclude that the landlord has violated the *Act*, regulations or tenancy agreement such that they should be ordered to comply. I do not find the issuance of warnings to a resident to be outside of the scope of their duties. While the tenant characterizes the issuance of warnings as harassment I find that there is sufficient basis for the landlord to take action when other residents make complaints. I find that the landlords have conducted themselves in accordance with the *Act*, regulations and tenancy agreement. Consequently, I dismiss the tenant's application.

As the tenant's application was not successful the tenant is not entitled to recover their filing fee.

Conclusion

The tenant's application is dismissed in its entirety 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 *Residential Tenancy Act*.

Dated: March 21, 2019

Residential Tenancy Branch