



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCL, OTC, FFL

### Introduction

This hearing was convened as a result of the Landlords' Application for Dispute Resolution, made on March 15, 2019 (the "Application"). The Landlords applied for the following relief, pursuant to the *Manufactured Home Park Tenancy Act* (the "Act"):

- a monetary order for compensation;
- an order that the Tenant comply; and
- an order granting recovery of the filing fee.

The Landlords attended the hearing at the appointed date and time, and provided affirmed testimony. No one appeared for the Tenant.

The Landlords testified that they served their Application and documentary evidence package to the Tenant by registered mail on March 15, 2019. The Landlords provided the registered mail tracking information in support. Based on the oral and written submissions of the Landlords, and in accordance with sections 82 and 83 of the Act, I find that the Tenant is deemed to have been served with the Application and documentary evidence on March 20, 2019 the fifth day after the registered mailing.

The Landlords were given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. 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.

### Issue(s) to be Decided

1. Are the Landlords entitled to a monetary order for compensation, pursuant to Section 60 of the *Act*?
2. Are the Landlords entitled to an order that the Tenant comply with the *Act*, tenancy agreement or regulations, pursuant to Section 55 of the *Act*?

3. Are the Landlords entitled to the return of their filing fee, pursuant to Section 65 of the *Act*?

### Background and Evidence

The Landlords were uncertain as to the exact start date of the tenancy; however, they testified that the tenancy began in the summer of 2010. Currently, rent in the amount of \$420.00 is paid to the Landlords each month. The Tenant did not pay a security deposit.

The Landlords testified that they are seeking monetary compensation in the amount of \$32.42 for two registered mailings to the Tenant. The Landlords provided receipts in support.

The Landlords had also applied for an order that the Tenant comply with their numerous requests for the Tenant to have his oil heating system professionally inspected and to provide confirmation of such an inspection to the Landlords.

At the hearing, the Landlords confirmed that on March 22, 2019 the Tenant removed his oil heating system from his mobile home; therefore, their request for the professional inspection is now moot.

During the hearing, the Landlords requested that an order be made for the Tenant to have the area where the oil tank had previously been located inspected to insure there is no ground contamination as a result of the removal of the heating system.

Furthermore, if the Tenant intends on replacing the pre-existing heating system with a new one, the Landlords requested an order be made that the installment of the new heating system be made by a qualified professional.

The Landlords stated that they have not yet discussed these new requests with the Tenant since the removal of the oil heating system.

### Analysis

Based on the unchallenged and affirmed testimony, documentary evidence and on a balance of probabilities, I find;

In regards to the Landlords' claim for a monetary order for compensation in the amount of \$32.42, I find that the *Act* does not provide relief for costs associated with doing business as a Landlord such as mailing costs. As such, I find that the Landlords are not entitled to the return of \$32.42 for costs incurred for registered mailings. As a result, I dismiss this portion of the Landlords' claim without leave to reapply.

The Landlords have also applied for an order that the Tenant comply with their request to have the Tenant's oil heating system professionally inspected. I accept the Landlords' testimony stating that the Tenant removed his oil heating system on March 22, 2019; therefore, the Landlords' claim is now moot. In light of the above, I dismiss this portion of the Landlords' Application without leave to reapply.

During the hearing, the Landlords requested additional orders be made to have the area where the pre-existing heating system had been located professionally inspected, to ensure that the ground has not been contaminated during the removal of the oil tank. Furthermore, the Landlords stated that should the Tenant replace the heating system, they requested this be done by a qualified professional.

I find that there is no evidence before me to indicate that the Landlords made an amendment to their Application to include these additional requests. As such, I find that I am not able to make a finding on the Landlords' request for the additional orders at this time.

As the Landlords were not successful in their Application, I find that they are not entitled to the return of their filing fee.

### Conclusion

The Landlords' Application for monetary compensation relating to registered mailing fees as well as an order that the Tenant comply with having this oil heating system professionally inspected are dismissed 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: April 09, 2019

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Residential Tenancy Branch