



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, FFT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on April 9, 2019 (the "Application"). The Tenant applied for the following relief, pursuant to the *Manufactured Home Park Tenancy Act* (the "Act"):

- an order that the Landlord comply with the *Act*, Regulations, or Tenancy Agreement; and
- an order granting recovery of the filing fee.

The Tenant as well as the Landlord and the Landlord's Agent, S.M., attended the hearing at the appointed date and time, and provided affirmed testimony.

The Tenant testified that he served his Application and documentary evidence package to the Landlord by leaving it in the Landlord's mail slot on April 11, 2019. S.M. confirmed receipt. Pursuant to section 64 of the *Act*, I find the above documents were sufficiently served for the purposes of the *Act*.

The parties 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. Is the Tenant entitled to an order that the Landlord comply with the *Act*, Regulations, or Tenancy Agreement, pursuant to Section 55 of the *Act*?

2. Is the Tenant entitled to the recovery of the filing fee, pursuant to Section 65 of the *Act*?

Background and Evidence

The parties testified and agreed that the tenancy began on September 1, 2009. Currently, rent in the amount of \$614.00 is due to the Landlord each month. The Tenant was not required to pay a security deposit at the start of his tenancy.

The Tenant testified that he is seeking an order that the Landlord comply with the Mobile Home Park Regulations as well as the Tenancy Agreement by providing him with a site plan which indicates the approximate area and boundaries of the site, and the location of the home within the boundaries.

The Tenant stated that he has made several requests to the Landlord in writing and has also drafted his own site plan for the Landlord to consider; however, the Landlord has not yet provided the Tenant with a copy of the site plan.

The Landlord confirms that he has not yet fulfilled the Tenant's request; however, is willing to meet with the Tenant to discuss the site plan and ultimately provide the Tenant with a copy of the site plan no later than June 30, 2019.

The Tenant indicated that he has been waiting 8 months for the site plan and does not see the need to wait any longer. If successful, the Tenant is also seeking the recover the filing fee paid for the Application.

Analysis

Based on the affirmed oral testimony and documentary evidence, and on a balance of probabilities, I find:

According to Section 12(1) of the Mobile Home Park Tenancy Regulations (the "Regulations"), a landlord must ensure that a tenancy agreement contains;

- (a) the standard terms, and*
- (b) the boundaries of the manufactured home site measured from a fixed point of reference.*

I accept that during the hearing, the Landlord agreed to provide the Tenant with a site plan as requested by the Tenant. I further find that it is reasonable to provide the Landlord until June 30, 2019 to draft the site plan and deliver it to the Tenant.

As such, I order that the Landlord comply with the Tenancy Agreement and Section 12 of the Regulations by providing the Tenant with a site plan which indicates the approximate area and boundaries of the site, and the location of the home within the boundaries, on or before June 30, 2019.

If the Landlord fails to comply with this order, the tenant may apply for a reduction in rent and any other monetary compensation for losses suffered. The Landlord should also be aware there are administrative penalties for failing to follow an order, under the *Act*.

As the Tenant was successful with his Application, I find that the Tenant is entitled to recover the \$100.00 filing fee, which he may deduct from one (1) future rent payment as reimbursement of the filing fee.

Conclusion

The Landlord has been ordered to comply with the Tenancy Agreement and Section 12 of the Regulations by providing the Tenant with a site plan which indicates the approximate area and boundaries of the site, and the location of the home within the boundaries, on or before June 30, 2019.

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: May 23, 2019

Residential Tenancy Branch