



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Manufactured Home Park Tenancy Act* (the “Act”) for an Order for the Landlord to comply with the *Act*, *Manufactured Home Park Tenancy Regulation* (the “Regulation”), and/or tenancy agreement.

Both Tenants were present for the hearing while no one called in for the Landlord during the approximately 15 minutes that the phone line was monitored. The Tenants were affirmed to be truthful in their testimony and stated that the Landlord was served in person with the Notice of Dispute Resolution Proceeding package and a copy of their evidence on October 27, 2019. I accept the Tenants’ testimony that the Landlord was served in person on this date. The Landlord did not submit any evidence prior to the hearing.

I have considered all oral and written evidence before me that met the requirements of the *Residential Tenancy Branch Rules of Procedure*. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Preliminary Matters

The Tenants named two parties as Landlord on the Application for Dispute Resolution, however had listed one respondent’s last name as “unknown”. At the hearing the Tenants confirmed that they did not know this Landlord’s last name. As this respondent was not able to be named in full, I find that they should be removed from this proceeding.

Regarding the second respondent named on the application, P.N., the Tenants stated that they had incorrectly spelled the last name on the application and clarified the spelling at the hearing. Therefore, the application was amended to the spelling of the Landlord's name as stated by the parties at the hearing.

These amendments were made pursuant to Section 57(3)(c) of the *Act*.

Issue to be Decided

Should the Landlord be ordered to comply with the *Act*, *Regulation*, and/or tenancy agreement?

Background and Evidence

The Tenants provided the following testimony regarding the tenancy: the tenancy began on September 26, 2018. Rent in the amount of \$575.00 is due on the 26th day of each month.

The Tenants applied for an Order for the Landlord to comply with the *Act*, *Regulation* and/or tenancy agreement. They stated that their application is in relation to issues they are having with another person who lives in the park. They stated that this resident has physically attacked one of the Tenants on two occasions and will regularly verbally abuse the Tenant as well.

The Tenants stated that one of the physical attacks occurred in front of the Landlord, but that the Landlord has not done anything to resolve the issue. They also stated that they have spoken to the Landlord about their concerns many times, yet nothing has been done. They stated that they have discussed the issue with the Landlord verbally, but have not done so in writing.

The Tenants stated that they do not feel safe on the property due to the issues occurring with the other resident. The Tenants submitted into evidence a photo of one of the Tenants following a physical assault, as well as three letters. The Tenants explained that one letter is from another resident on the property who moved away due to similar issues of harassment. Another letter is from the Tenant's son to the Landlord citing concerns with the resident and a request that she be evicted. The third letter is from the Tenants and outlines concerns of harassment and notes that the police have been called on multiple occasions. The Tenants stated that the police have not resolved the issues either.

The Tenants stated that they are requesting that the other resident be evicted as they want to feel safe in their home. They noted that they have done everything they can to try to resolve the issues but as they keep getting worse, they feel this is the best solution.

Analysis

Section 55 of the *Act* provides that an order can be made as necessary to provide rights to a party under the *Act*, which includes an order that a party comply with the *Act*, *Regulation* or tenancy agreement.

When asked to clarify the order that the Tenants were seeking through the filing of the application, they stated that they wanted an order for the other resident's tenancy to end. I accept the testimony and evidence of the Tenants that there are ongoing issues with another resident in the manufactured home park and that as a result the Tenants do not feel safe. However, I do not find that the provisions of Section 55 of the *Act* allow me to make orders regarding another tenancy. Instead, I find that it is the Landlord's responsibility to serve a notice to end tenancy should they have cause to do so under the *Act*.

Due to being unable to end another tenancy through this application, and as the Tenants did not present any other orders that they would like to see, I decline to issue any orders. I also do not find sufficient evidence from the Tenants regarding notifying the Landlord of the issues, such as written communication with the Landlord. Accordingly, the Tenants' application is dismissed, without leave to reapply.

However, I **caution the Landlord** that should these issues continue, they have an obligation to protect a tenant's right to quiet enjoyment of the rental site pursuant to Section 22 of the *Act*. This includes freedom from unreasonable disturbance and a tenant's right to use common areas free from significant interference. Should this right not be protected due to the action or inaction of the Landlord, the Tenants may choose to seek compensation for loss of quiet enjoyment.

I also remind the Tenants that they should involve the police with any issues of verbal or physical harassment, or other such concerns.

Conclusion

The Tenants' application is 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: December 13, 2019

Residential Tenancy Branch