



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            O, FF

### Introduction, Procedural and Preliminary Matters

This hearing was convened as the result of the landlord's application for dispute resolution under the Manufactured Home Park Tenancy Act (Act). The landlord applied for "Other" relief and for recovery of the filing fee paid for this application.

The landlord's agent (landlord), the tenant and the tenant's representative attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process.

The landlord's application only marked Section C: Other. In this part of the application, the applicant is instructed to describe the issue not referenced elsewhere, listing as an example, "jurisdiction".

In the space under this section of the application, the landlord writes:

Tenant has failed to comply with a material term, inadequate maintenance of yard.  
Tenant needs to understand the park rules apply to everyone.

I note that the landlord's application also claimed the amount of \$1.00; however, the landlord confirmed that she does not request this amount and the records at the RTB state that a staff member added that claim. I have therefore excluded this portion of the application from any consideration.

The hearing dealt only with the landlord's claim for "Other" relief and recovery of the filing fee paid for this application.

After a review of the application, including their evidence, I determined that the landlord's application was a request that the tenant comply with the tenancy agreement and park rules.

The parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and documentary evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

### Issues

Has the landlord established an entitlement to an order requiring the tenant to comply and to recovery of the filing fee paid for this application?

### Background and Evidence

The undisputed evidence is that this tenancy began on July 1, 2008, for a current monthly rent of \$302.00.

The landlord submitted that the tenant, despite many requests, has failed to maintain her manufactured home site as required by the Park Rules and Additional Terms of the tenancy agreement. For instance, the plant pots have overgrown vegetation and the grass needs trimming.

The landlord submitted documentary and photographic evidence.

The tenant denied that her site needed maintenance and that the landlord should have sent in pictures at different times. The tenant submitted photographs to support her response that her yard is kept neat and tidy.

The tenant alleged that the landlord is harassing her without cause.

### Analysis

While I have reviewed all evidence before me, including the oral evidence of the parties. I will refer to evidence only as it relates to this decision. When an application is filed under "Other", the applicant must be specific so that an arbitrator is able to determine what relief is sought and so that the respondent is able to provide a response.

In this case, I determined that the landlord has made a request under section 55 of the Act, which in part states:

*The director may make any order necessary to give effect to the rights, obligations and prohibitions under this Act, including an order that a landlord or tenant comply with this Act, the regulations or a tenancy agreement.*

Despite this section of the Act, Section 16 provides, in part, that the rights and obligations of a tenant under a tenancy agreement take effect from the date the tenancy agreement is entered into. I therefore find that the tenant is already obligated to comply.

When I looked at the oral, photographic, and written evidence of the parties, I find that the landlord's issues with this tenancy, if left unresolved, may be addressed with another application for dispute resolution seeking more specific remedies different than in this application.

I find it would be inappropriate to make any finding as to the merits of the landlord's application, as they may file for dispute resolution for a future arbitrator to decide. Further, for the above reasons, I find it is not required or necessary to do so for this decision.

Due to the above findings, I dismiss the landlord's application, including their request for recovery of the filing fee, as it was unnecessary to order the tenant to comply with the Act.

#### Conclusion

For the above reasons, I dismiss the landlord's application.

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: January 17, 2020

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Residential Tenancy Branch