



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REMAX PENTICTON REALTY AND W.V. INCOME PROPERTIES LTD. and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OLC, MNDCT, RP, PSF, OT, FFT

### Introduction

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

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 60;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 55;
- an order to the landlord to make repairs to the rental unit pursuant to section 55;
- an order to the landlord to provide services or facilities required by law pursuant to section 58;
- authorization to recover his filing fee for this application from the landlord pursuant to section 65.

The tenant attended the hearing via conference call and provide undisputed affirmed testimony. The landlord did not attend or submit any documentary evidence. The tenant stated that both named landlords were served with the original notice of hearing, the 2 submitted documentary files and the amendment to the application for dispute via XpressPost on August 21, 2020. I accept the undisputed affirmed testimony of the tenant and find that both named landlords have been sufficiently served as per sections 88 and 89 of the Act.

### Preliminary Issue(s)

At the outset, the tenant clarified she seeks an order to have the landlord issue and serve a notice to end tenancy to the tenants of another rental unit. The tenant was advised that there are no provisions in the Act that allow for an order to compel the

landlord to issue a notice to end tenancy. On this basis, this portion of the tenant's request is dismissed.

The tenant seeks a monetary claim for \$269.20 as compensation for recovery of cost associated with the tenant's efforts to provide documents to other park occupants, service of the same documents and the tenant's time for organizing and producing these documents. The tenant was advised that "litigation costs" are not recoverable as Section 72 of the Act addresses **Director's orders: fees and monetary order**. With the exception of the filing fee for an application for dispute resolution, the Act does not provide for the award of costs associated with litigation to either party to a dispute. Accordingly, the tenant's claim for recovery of litigation costs are dismissed.

The tenant has made a request for repairs. During the hearing the tenant stated that she does not remember making such a request as there are no repairs being sought. On this basis, the tenant's request for repairs is dismissed.

The tenant seeks an order for the landlord to provide services or facilities required by the tenancy agreement or by law. The tenant stated that there are no such services or facilities being withheld or denied by the landlord. As such, this portion of the tenant's application is dismissed.

The tenant also seeks a request under (OT) of an issue. The tenant clarified that this is a duplicate request for the landlord to issue a notice to end tenancy to another occupant of the park. As such, this portion of the tenant's application is dismissed.

The tenant's application in its entirety is dismissed without leave to reapply.

Extensive discussions with the tenant revealed that she seeks action by the landlord to enforce the park rules with other occupants of another rental unit(s).

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: September 29, 2020

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Residential Tenancy Branch