



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC FFL

Introduction

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

- an order for the landlord to comply with the *Act*, regulation and/or tenancy agreement pursuant to section 55 of the *Act*;
- reimbursement of the filing fee pursuant to section 65.

AH and DH attended for the landlord ("the landlord"). AH corrected her name which is amended throughout. The tenant attended. The parties were given a full opportunity to be heard, to present affirmed testimony, make submissions, and call witnesses. I explained the hearing process and provided the parties with an opportunity to ask questions. The parties did not raise any issues regarding the service of evidence.

I have only considered and referenced in the Decision relevant evidence submitted in compliance with the Rules of Procedure to which I was referred.

Issue(s) to be Decided

Is the tenant entitled to the following:

- an order for the landlord to comply with the *Act*, regulation and/or tenancy agreement pursuant to section 55 of the *Act*;
- reimbursement of the filing fee pursuant to section 65.

Background and Evidence

The parties agreed that the tenancy began on February 20, 2019 for monthly rent of \$237.00 payable on the first of the month. The tenant submitted a copy of the signed tenancy agreement.

The tenant rents lot # 23 in the manufactured home park operated by the landlord. The manufactured homes are placed directly on the site lines instead of in the middle which the landlord testified is now common practice.

The landlord explained that the mobile home on lot 22 had a secondary exit located next to the lot line with lot 23, the tenant's lot; contrary to safety regulations, the door did not have a platform and steps to assure safe exit from the mobile home on lot 22. The landlord proposed that a platform and steps be constructed as well as a fence between the lots in accordance with TNRD ((Thompson-Nicola Regional District) requirements.

The landlord submitted substantial written submissions with attached documents including correspondence with the tenant, stating in part as follows:

- The landlord engaged in consultation with TNRD and the local Village to meet safety requirements that the mobile home on lot 22 have a platform and stairs to allow safe exit from the secondary door of the mobile home; this required adjusting the lot line between lots 22 and 23;
- Copies of the correspondence and instructions from TNRD were submitted as part of the landlord's evidentiary package;
- The landlord proposed building a fence at the landlord's expense to satisfy TNRD requirements that the mobile home on lot 22 have safe egress from the second door and the lot lines accordingly adjusted to permit this to take place;
- The new fence would replace the existing fence which does not permit the occupant of the mobile home on lot 22 to construct a platform and steps to allow safe exit from the secondary door as required;
- Details and description of the proposed fence have been sent to the tenant;
- Construction of a landing and stairs for the second door of the mobile home on lot 22 is planned according to TNRD specifications, a copy of the design being submitted, which the landlord has sent to the tenant;
- On July 8, 2020, the landlord provided the tenant with 30-day notice of the intention to build the fence accompany by a new pad rent of \$227.00 (August and September 2020) and \$227.00 (from October 2020 onward) to reflect the reduced lot size for the tenant's lot;

- On July 13, 2020, TNRD sent a guideline to the landlord setting out the requirement of the landing and stairs on the mobile home on lot 22;
- On July 13, 2020, the landlord sent to the tenant a copy of the drawing for the proposed addition to the mobile home on lot 22;
- On July 21, 2020, the landlord advised all homeowners in the park of the plans to move the fence 2' away from lot 22 and to construct a fence which "will jut out an addition 1' to accommodate the minimum required landing and stair", the TNRD diagram and revised map were attached;

The tenant acknowledged receipt of all documents contained in the landlord's evidentiary package. The tenant stated that he requested an order to prevent the landlord from changing his lot line to accommodate the building of a platform and steps for the mobile home located on the adjacent lot 22. The tenant submitted many videos and substantial documentary evidence to support his position that a portion of his lot was being unfairly taken away.

Analysis

Considerable evidence was submitted by both parties during the 58-minute hearing. Not all this evidence is referenced in my Decision.

Section 55(3) states as follows:

Director's authority respecting dispute resolution proceedings

55 (3) 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.

The Act requires that the landlord comply with health and safety standards required by law. Section 26 states as follows:

Landlord and tenant obligations to repair and maintain

26(1) A landlord must

- (a) provide and maintain the manufactured home park in a reasonable state of repair, and
- (b) comply with housing, health and safety standards required by law.

I accept the landlord's comprehensive and well-organized evidence. I find that the landlord has established that if the occupant of lot 23 were unable, because of fire, for example, to exit by the front door, the occupant could exit from the secondary door which should safely be equipped with a platform and stairs in compliance with TNRD directions. I accept the landlord is required by law to assure the construction of the platform and steps while adjusting the lot line in keeping with the landlord's obligation under section 26.

I find the landlord is required to comply with housing, health and safety standards. I am satisfied that the landlord is required by such law to assure that secondary exit in the mobile home on lot # 22 has a platform and stairs constructed for safety reasons. I find the landlord is acting appropriately in keeping with the landlord's obligations and the law which means that the lot line between lot # 22 and # 23 is adjusted according to the plan submitted by the landlord and provided to the tenant.

Accordingly, I find the tenant has failed to meet the burden of proof on a balance of probabilities that an order should be given preventing the landlord from changing the lot line between lot # 22 and lot # 23 in order to accommodate the construction of a platform and stairs on the mobile unit on lot # 22.

Accordingly, I dismiss the tenant's claim under section 55 of the *Act* and for reimbursement of the filing fee without leave to reapply.

Conclusion

I dismiss the tenant's claim 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: October 1, 2020

Residential Tenancy Branch