



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ORL, FFL

### Introduction

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

- an order requiring the tenant to follow the manufactured home park rules, pursuant to section 32; and
- authorization to recover the filing fee for this application, pursuant to section 65.

The landlord, the tenant, and the tenant's agent attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The tenant's agent confirmed that she had permission to represent her husband, who is the tenant named in this application, at this hearing. The tenant did not testify at this hearing. This hearing lasted approximately 20 minutes.

The tenant's agent confirmed receipt of the landlord's application for dispute resolution hearing package and the landlord confirmed receipt of the tenant's evidence. In accordance with sections 81, 82 and 83 of the *Act*, I find that the tenant was duly served with the landlord's application and the landlord was duly served with the tenant's evidence.

Both parties confirmed that the tenant owns the manufactured home ("trailer") and that he rents the manufactured home site ("pad") from the landlord.

During the hearing, the tenant's agent agreed that the tenant would comply with the landlord's park rules, as requested by the landlord. Both parties agreed that the tenant had moved his trailer off the lawn prior to this hearing, which the landlord confirmed was the reason that this application was originally filed.

The landlord stated that she wanted to recover the \$100.00 filing fee from the tenant. The tenant's agent disputed this cost.

The filing fee is a discretionary award issued by an Arbitrator usually after a party is successful after a full hearing on the merits. As the trailer was moved off the lawn prior to this hearing, which was the reason why the landlord filed this application, and both parties settled the park rules issue during the hearing, I was not required to make a decision after a full hearing on the merits. Accordingly, I find that the landlord is not entitled to recover the \$100.00 filing fee from the tenant.

### Conclusion

I order the tenant to comply with the landlord's park rules.

The landlord's application to recover the \$100.00 filing fee 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: October 08, 2020

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Residential Tenancy Branch