



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OLC, MNDCT, RP, RR, PSF**

Introduction

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

- An order that the landlord comply with the Act, regulations or tenancy agreement pursuant to section 55;
- A monetary award for damages and loss pursuant to section 60;
- An order for repairs pursuant to section 27;
- Authorization to reduce rent for services or facilities not provided pursuant to section 58; and
- An order that the landlord provide services or facilities pursuant to section 58.

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord entered the hearing approximately 10 minutes after the scheduled starting time.

As both parties were present service was confirmed. The landlord confirmed receipt of the tenant's application and materials. Based on the testimony I find the landlord duly served in accordance with sections 81 and 82 of the *Act*.

Issue(s) to be Decided

Is the tenant entitled to any of the relief sought?

Background and Evidence

The parties agreed on the following facts. This periodic tenancy began on November 20, 2013. The monthly rent is \$276.00 payable on the first of each month.

The tenant submits that the manufactured home park is adjacent to a river which has experienced flooding several times over the previous years. The tenant testified that there has been steady erosion of the riverbank and they are concerned that their manufactured home will soon fall into the river if measures are not taken by the landlord. The tenant submitted 10 photographs of the area as evidence of the issue.

The landlord testified that they have taken reasonable steps to slow the erosion process and shore up the riverbank. The landlord said they have made requests to all levels of government for financial and engineering assistance but are unaware of what actions have been taken in response.

Analysis

The onus to establish their claim on a balance of probabilities lies with applicant pursuant to Residential Tenancy Rule of Procedure 6.6.

In the present case I am not satisfied based on the testimony and handful of photographs submitted by the tenant that there is an issue as described or that the landlord owes a duty of a care for the issues claimed. I find that undated photographs of wet, muddy ground and the proximity of a river to be insufficient to establish that there is an issue with the condition of the manufactured home park. I note that it is not the quantity of evidence that is lacking but rather the persuasive quality.

Similarly, I find the tenant's testimony to be a series of subjective complaints and concerns with little cogent details of the specific issues. The tenant made some reference to recommendations made by the municipality for upgrades to the park but did not provide a copy of such a report nor did they provide submissions on what they believe the landlord is required to do. The tenant simply testified that they do not want their manufactured home to fall into the water and that the landlord would do something.

I find that taken as a whole, the tenant has not met their evidentiary burden for any portion of their claim. I am unable to find that there has been a breach of the Act, regulations or tenancy agreement that would either warrant an order of compliance or give rise to a monetary award. I am uncertain what repairs the tenant believes are required or what services or facilities they believe they have been denied.

Consequently, I dismiss the tenant's application in its entirety without leave to reapply.

Conclusion

The tenant's application is dismissed in its entirety 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 30, 2020

Residential Tenancy Branch