



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FF

Introduction, Preliminary and Procedural Matters-

This expedited hearing was convened as the result of the tenant's application for dispute resolution under the Manufactured Home Park Tenancy Act (Act). The tenant applied for an order requiring the landlord to make emergency repairs to the manufactured home site and to recover the cost of the filing fee.

The tenant, the landlord, and the landlord's agents attended and were affirmed.

I informed the tenant that I determined from the submissions in her application for dispute resolution and her evidence that this dispute did not meet the criteria for an expedited hearing under the Act.

As defined by section 27 of the Act, emergency repairs are urgent, necessary for the health or safety of anyone or for the preservation or use of property in the manufactured home park, and made for the purpose of repairing,

- (i) *major leaks in pipes,*
- (ii) *damaged or blocked water or sewer pipes,*
- (iii) *the electrical systems, or*
- (iv) *in prescribed circumstances, the manufactured home site or the manufactured home park.*

In this case, the tenant submitted that this issue involves an incorrectly done down spout in her neighbour's manufactured home and has been an ongoing problem for two years. I find this evidence demonstrates that the issue is not urgent, but more importantly, I find this issue is not an emergency repair as defined in the Act.

As I have found that the tenant has not proven the repair mentioned in her application was urgent or an emergency repair as defined under section 27 of the Act, I dismiss her application seeking an order requiring the landlord to make emergency repairs to the manufactured home site, **without leave to reapply**.

Conclusion

The tenant's application is dismissed, without leave to reapply.

The tenant is at liberty to apply for regular repairs.

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: February 19, 2021

Residential Tenancy Branch