



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VACATION VILLAGE
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking a monetary order for money owed or compensation for damage or loss under the *Manufactured Home Park Tenancy Act*, regulation or tenancy agreement.

The tenant attended the hearing, gave affirmed testimony and provided evidentiary material in advance of the hearing. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony and no one for the landlord joined the call.

The tenant testified that the landlord was served with the Notice of Dispute Resolution Proceeding and all required documents (the Hearing Package) by registered mail and was permitted to provide proof of such service after the hearing had concluded. I now have a Canada Post cash register receipt dated July 27, 2021 containing a tracking number as well as a Registered Domestic Customer Receipt stamped with that date by Canada Post. I am satisfied that the landlord has been served in accordance with the *Manufactured Home Park Tenancy Act*.

Issue(s) to be Decided

Has the tenant established a monetary claim as against the landlord for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and more specifically for monetary compensation awarded to the tenant in a previous hearing?

Background and Evidence

The tenant testified that this month-to-month tenancy began in February, 2017 and ended on June 28, 2021. There is no tenancy agreement, however the tenant believes that rent in the amount of \$410.00 was payable on the 1st day of each month, and there are no rental arrears.

The parties had participated in a hearing on April 27, 2021, and a written Decision dated June 2, 2021 has been provided for this hearing. It grants monetary compensation to the tenant in the amount of \$775.00 in total, and states that the tenant may reduce rent until that sum is realized. However, the RV that the tenant was residing in sold before any more rent was due to the landlord. The tenant contacted the Residential Tenancy Branch office and was told to file this application as a separate dispute.

The tenant seeks the \$775.00 compensation as a monetary order as against the landlord.

Analysis

I have reviewed the Decision dated June 2, 2021 and it is clear that the tenant was awarded compensation as follows:

- a retroactive rent reduction of \$50.00 per month from January, 2021 to June, 2021 for a total of \$300.00; and
- if the landlord does not comply with the included order to remove gravel by June 30, 2021, the tenant shall be entitled to reduce rent by \$100.00 per month until the month following the removal of gravel; and
- retroactive rent reduction for the 13 months from April, 2020 to June, 2021 in the amount of \$25.00 per month for loss of use of electrical plugs; and
- reduction in rent by \$50.00 per month commencing July 1, 2021 and continuing until the month following the reinstallation of a second plug if not installed by the landlord by no later than June 30; and
- recovery of the \$100.00 filing fee.

The Decision also states:

“As the Tenant’s rent is \$410.00, and she has been awarded \$775.00 (\$300.00 driveway compensation to June 30, 2021; \$375.00 electrical plug compensation to June 30, 2021 and \$100 filing fee) she shall not be expected to pay rent for

July 2021 and shall only pay \$45.00 for August 2021. Should the Landlord not comply with the above and the Tenant be entitled to a further rent reduction as of July 1, 2021, the parties shall ensure the Tenant's rent is reduced in accordance with this my Decision."

In this hearing, the tenant testified that the tenant sold the RV that the tenant resided in at the time of the hearing, and vacated the manufactured home site on June 28, 2021, prior to the June 30, 2021 deadlines given in the Decision. I find that regardless of how the monetary compensation was to be paid, by rent reduction or otherwise, the Arbitrator made a finding and awarded \$775.00 in favour of the tenant, and the tenant has established the claim.

I grant a monetary order in favour of the tenant as against the landlord in the amount of \$775.00. The tenant must serve the order on the landlord, and may file the order for enforcement in the Provincial Court of British Columbia, Small Claims division as a judgment.

Conclusion

For the reasons set out above, I hereby grant a monetary order in favour of the tenant as against the landlord pursuant to Section 60 of the *Manufactured Home Park Tenancy Act* in the amount of \$775.00.

This order is final and binding and may be enforced.

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: January 27, 2022

Residential Tenancy Branch