



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0868732 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **CNR, RP, OLC, FFT**

Introduction

This hearing dealt with an application by the tenant pursuant to the *Manufactured Home Park Tenancy Act* ("Act") for orders as follows:

- cancellation of the landlords' 10 Day Notice pursuant to section 39 of the Act
- for an order requiring the landlord to make repairs to the unit, site, or property pursuant to section 26 of the Act
- for an order requiring the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 55 of the Act
- for reimbursement of the filing fee pursuant to section 65 of the Act

The landlord appeared through agents TL, MK, and WE. The tenant SS appeared with advocate HJ. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The hearing was conducted by conference call. The parties were reminded to not record the hearing pursuant to Rule of Procedure 6.11. The parties were affirmed.

Both parties acknowledged receiving each other's materials for the application and no issues arose. I find that the parties have been served in accordance with the Act.

Preliminary Issue

The tenant confirmed she was not served with a 10 Day Notice to End Tenancy and filed the dispute in error. The landlord confirmed that a 10 Day Notice to End Tenancy was not served on the tenant. I therefore dismiss that dispute as there is nothing to consider.

Issue(s) to be Decided

1. Is the tenant entitled to an order requiring the landlord to comply with the Act, regulation and/or the tenancy agreement
2. Is the tenant entitled to an order for the landlord to make repairs to the unit, site, or property?
3. Is the tenant entitled to recover the filing fee for this application?

Background and Evidence

The tenant advised that she owns the trailer and is renting the pad pursuant to the Act. Tenancy commenced September 1, 2000. Rent is \$417.00 per month due on the first day of the month, The tenant still occupies the rental unit.

The landlord and tenant were before the RTB previously and settled all matters relating to their dispute. All grounds of relief being requested by the tenant were covered in the settlement decision issued on July 15, 2022 and agreed to by the parties. The landlord testified that they completed the things they were required to do under the settlement decision, however the landlord alleges that the tenant has not completed what she was required to do under the settlement agreement. The tenant was required to complete the skirting and siding on her trailer by November 1, 2022.

The tenant alleged that the repairs done by the landlord pursuant to the settlement agreement did not fix the initial problem with the waterlines. The landlord should have insulated the water connection and completed proper repairs to the sewer line. All of the incidents described by the tenant with the water and sewer occurred in 2021 and were the subject of the previous RTB decision.

The landlord is requesting an order of possession for the rental site, however no application for an order of possession was made.

Analysis

All of the matters concerning repairs requested by the tenant were settled by agreement of the parties and recorded in a settlement decision issued July 15, 2022. I find based on the evidence of both parties that all matters before me were covered by the settlement agreement that both parties voluntarily agreed to in July 2022. Therefore the tenant's application is dismissed in its entirety.

I do not have an application before me from the landlord requesting an order of possession. Therefore, I have no basis upon which to grant an order of possession.

Conclusion

The tenant's application is dismissed.

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 21, 2023

Residential Tenancy Branch