



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OC, FF

Introduction

This hearing dealt with an application by the landlord for an order that the tenants comply with the park rules. Both parties participated in the conference call hearing.

Issue to be Decided

Should the tenant be ordered to comply with the park rules?

Background and Evidence

The landlord claimed that the tenants had failed to comply with 2 of the park rules. The landlord claimed that the house number on the rental unit was not visible from the street and that the tenants had not complied with the following park rule with respect to maintaining the site. The following excerpt is reproduced as written.

Residents must maintain the Home and Home site, its facilities and equipment, in good repair and in a neat, clean, sanitary and safe condition ... Regular inspections of homes and home sites will be conducted by management and resident(s) will be sent a written notice of work (e.g. power washing home, grass which needs to be cut, etc.) to be performed and a reasonable time period to complete the work.

The landlord testified that over the past several years the landlord has had to give multiple notices to the tenants advising that the site required maintenance and that on several occasions, the tenants failed to perform all of the required maintenance within the timeframe allotted by the landlord. The tenants testified that the house number is

visible from the street and further testified that each time they have received notice from the landlord that maintenance issues existed, they have addressed those issues.

I note that the landlord also addressed an issue of a shed being a possible safety hazard. The parties agreed that this issue had not been brought to the attention of the tenants prior to the hearing.

Analysis

First addressing the issue of site maintenance, I find that the provision in the park rules contains a subjective element. The rules contemplate that notices will need to be issued and a period of time provided for tenants to complete maintenance. I find that due to the subjective component of the rule, the landlord bears an added burden of ensuring that effective communication with the tenants takes place. In other words, the landlord has an obligation to inform the tenants that in the opinion of the landlord the maintenance standard has not been met and when the tenants perform further maintenance and still fail to meet the landlord's standard, the landlord has a further obligation to communicate that failure. I find that in this case, the parties did not communicate effectively with each other and I accept that the tenants believed that they had met the required standard when they performed maintenance pursuant to each notice they were given. I find that the tenants had good reason to believe that they had complied with the requests of the landlord to maintain the site and I find that an order to comply with the rules respecting site maintenance is not required. The claim is dismissed.

The landlord provided no photographic evidence that the tenants are not complying with the rule regarding the visibility of the house number and did not provide a copy of the rule. I find that the landlord has failed to prove that the tenants are not complying with this rule and accordingly I dismiss the claim.

As the issue of the shed had not been brought to the tenants' attention prior to the hearing, I find it inappropriate to order them to comply with this rule.

Conclusion

The landlord's claim is dismissed.

Dated: July 20, 2010

Dispute Resolution Officer