



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ERP, PSF, RR, FF

### Introduction

This matter dealt with an application by the Tenant for an Order that the Landlord make emergency repairs and provide services and facilities, for a rent reduction and to recover the filing fee for this proceeding.

The Tenant's application was initially scheduled for hearing on July 23, 2012 however in the course of that hearing the Dispute Resolution Officer advised the Parties that a decision could not be made due to a lack of information and recommended that the Parties provide further, specific information. The Tenant's application was reconvened to today's date at which time the further information was to be considered. However during the course of the hearing on August 14, 2012, the Parties confirmed that they had not (for various reasons) provided the recommended information.

### Issue(s) to be Decided

1. Is the Tenant entitled to an Order requiring the Landlord to make emergency repairs and to restore services and facilities?
2. Is the Tenant entitled to a rent reduction?

### Background and Evidence

The Landlord owns and operates an RV park that contains (among other sites), five waterfront RV sites (known as "L Row"), one of which is occupied by the Tenant. On or about May 17, 2012 some RVs in another area of the Park caught fire and as a result, a safety inspection of the entire RV Park was done. During the inspection, it was discovered that the electrical services to the RV sites in "L Row" ran under the water and were deemed a safety risk. The Safety Authority ordered the Landlord to disconnect the electrical services to these RV sites and not to reconnect them until such time as they complied with Safety Regulations. The Safety Authority further ordered that electrical services not be restored to the RV sites on "L Row" until the RVs complied with safety regulations. The Landlord claims that the owners of at least 3 other RVs in this row have made structural alterations to their RVs that do not comply with Building Code requirements.

The Tenant claimed that the only alteration to his RV is a deck which does not have electricity running to it and therefore he argued that it would meet Building Code and safety standards. The Tenant admitted that he has not yet had an inspection done by an electrician to confirm that this is the case.

One of the agents for the Landlord initially claimed the Landlord could not get a permit to upgrade the electrical services to the RV sites in "Row L" but then claimed that it might be possible but that he was advised by an electrician that a condition of such a permit would be to upgrade the electrical services in the entire RV Park. Following the first day of hearing, the Landlord's agents said they would investigate with the Municipal District or Safety Authority as to whether this was the case however they did not do so. The Tenant said he contacted the Safety Authority for this information but they advised him that they could only give this information to the Landlord. In any event, the Landlord argued that it could not afford to upgrade the services to the whole Park. Consequently, the Landlord proposed that the Tenant relocate to another (non-waterfront) RV site in the Park.

### Analysis

As it is the Tenant's application, the Tenant has the burden of proof and must show (on a balance of probabilities) that the Landlord has unreasonably terminated a service or facility that is essential to the Tenant's use of the site as living accommodation. While I find that electricity is a service or facility that is essential to the Tenant's use of the RV site as living accommodation, I find that there is insufficient evidence at this time that this service has been unreasonably terminated by the Landlord. In particular, I find that there is no reliable evidence at this time that the Tenant's RV complies with building and safety regulations such that electrical services can be restored to it.

Furthermore, I find that the Landlord has provided no reliable evidence in support of its claim that either it cannot get a permit to restore the electrical services to the Tenant's RV site or alternatively, that if it can get a permit a condition of such a permit would be that the electrical services to the entire RV Park would have to be upgraded at a prohibitive cost to the Landlord. Consequently, I find that there is insufficient evidence at this time to grant the Orders sought by the Tenant.

At the conclusion of the hearing, the Parties again undertook to provide each other with the information requested at the last day of hearing in an attempt to try to resolve this matter on their own. If the Parties are unable to do so, the Tenant may reapply for these orders and in support of his application may request a Summons (pursuant to RTB Rule of Procedure 7) for the Landlord to produce any evidence that is in its possession or control.

Conclusion

The Tenant's application to recover the filing fee for this proceeding is dismissed without leave to reapply. The Tenant's application for an order that the Landlord make emergency repairs and provide services and facilities as well as for a rent reduction are dismissed with 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: August 14, 2012.

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Residential Tenancy Branch