



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      RP, RR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for an order to have the landlord comply with the Act, regulation or tenancy agreement, to make repairs to the unit, site or property and to allow a tenant to reduce rent for repairs.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. I refer only to the relevant facts and issues in this decision.

### Issue(s) to be Decided

Should the landlords be ordered to comply with the Act?

Should the landlords be ordered to make repairs to the unit, site or property?

Is the tenant allowed to reduce rent for repairs?

### Background and Evidence

The parties entered into a tenancy agreement, to rent a site in a manufactured home park. The tenancy began on March 1, 1999. Filed in evidence is a copy of the tenancy agreement.

The tenant testified that the staircase accessing the rental site is severely rotten and unsafe. The tenant stated it is the landlords' responsibility to ensure access to the site is maintained and repaired. The tenant stated the site is approximately six feet off the ground.

The tenant testified the landlords have repaired the staircases for two other rental sites and should be responsible to make repairs to the staircase on this site.

The landlord testified that they are not responsible to repair the tenants' staircase. The landlord stated the staircase was built by a previous tenant when the manufactured home was placed on the site as required by park rule #6. The landlord stated they are not obligated to maintain any improvements made to the site by a tenant. Filed in evidence are the park rules.

The landlord testified they repaired the staircase belonging to another site because they owned the manufacture home that was placed on that site. The landlord stated when they sold that manufacture home there were problems with the staircase as the fill they used to support the staircase was insufficient and repairs were required.

The landlord testified that the other site that the tenant was referring to is his personal residence and he paid to build the staircase at his own expense.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, the tenants seek to have the landlord make repairs to the staircase that leads up to the concrete pad to the manufacture home, as the pad is approximately six feet from the ground. The tenant argues that this is the access to the site and the landlord is responsible to maintain the access in a reasonable state of repair.

Landlord and tenant obligations to repair and maintain

26 (1) A landlord must

- (a) provide and maintain the manufactured home park in a reasonable state of repair, and
- (b) comply with housing, health and safety standards required by law.

(2) A tenant must maintain reasonable health, cleanliness and sanitary standards throughout the manufactured home site and in common areas.

(3) A tenant must repair damage to the manufactured home site or common areas that is caused by the actions or neglect of the tenant or a person permitted in the manufactured home park by the tenant.

(4) A tenant is not required to make repairs for reasonable wear and tear.

(5) A landlord is not required to maintain or repair improvements made to a manufactured home site by a tenant occupying the site, or the assignee of the tenant, **unless the obligation to do so is a term of their tenancy agreement.**

**[Emphasis added.]**

The landlords are responsible to maintain the park in a reasonable state. The landlords are not required to maintain or repair improvements made to a manufactured home site by a tenant. In this case, the concrete pad is approximately six feet off the ground, however, the site is the total area rented, not exclusively the concrete pad. The landlord is only required to provide access to the site.

While the landlord did fix two other sites, in the first site the landlord owned the manufacture home and it was later sold. The staircase on that site was fixed by the landlord due to a fault in the construction of the staircase and they were obligated to have it repaired. The second site was the private residence of the landlord, which he paid to have the staircase built out of his own funds. I find both of these incidents show the landlords were merely maintaining the site, because the manufactured homes on these sites were owned by the landlords.

The evidence of the landlord was the staircase on the tenants' site was built by the previous tenants in compliance with the park rule #6. There was no evidence by the tenant disputing the staircase was built by the previous tenant.

The park rules and regulations state:

6. The tenants must have their units skirted, hitches removed and a **permanent set of steps put up within thirty days of occupancy.** The skirting must be constructed and painted to meet management approval.

**[Emphasis Added.]**

I find that the staircase on this rental site was constructed by the previous tenants as required by the park rules and regulation. Under section 26(5) of the Act it is the responsibility of any assignee of the tenant to maintain any improvements made to the site, unless there is an obligation by the landlord in the tenancy agreement.

In this case, there in no provision in the tenancy agreement that would specify the landlord was obligated to maintain the staircase on this rental site.

As a result, I find the tenants are responsible for maintaining the staircases on the rental site which lead up to their manufactured home. Therefore, I dismiss the tenants' application and the tenants are not entitled to recover the filing fee from the landlord.

Conclusion

The tenants' 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 *Manufactured Home Park Tenancy Act*.

Dated: November 20, 2012.

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Residential Tenancy Branch