



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0707904 BC LTD. DBA SCENIC MOBILE HOME PARK
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP, FF

Introduction

This matter dealt with an application by the Tenant for the Landlord to make repairs to the unit, site or property and to recover the filing fee for this proceeding.

The Tenant said he served the Landlord with the Application and Notice of Hearing (the "hearing package") by personal delivery on October 9, 2014. Based on the evidence of the Tenant, I find that the Landlord was served with the Tenant's hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

Issues(s) to be Decided

1. Is there repairs need to the unit, site or property?

Background and Evidence

This tenancy started on September, 2000 as a month to month tenancy that renewed each year. Pad rent is \$384.89 per month payable in advance of the 1st day of each month.

The Tenant said there are two issues in his application. First the Tenant is requesting the Landlord repair the electrical box and service to his mobile home and secondly the Tenant has requested that the electrical service be upgraded from 60 amps to 100 amps. The Tenant continued to say that he has talked to the Landlord a number of times about the state of repair of the electrical service and after 6 months of waiting for it to be repaired he made this application. The Tenant said he included photographs of the electrical service that shows it to be in a state of disrepair.

Further the Tenant said there are no electrical issues in his unit, but his unit has a 100 amp panel so he would like the electrical service to be upgraded to 100 amps.

The Landlord said he agreed the electrical service to the Tenant's mobile home needs repair and he has had an electrician out to look at it. The Landlord said the electrician said it was not a priority therefore it has not been repair, but it will be fixed. The Landlord said he will make the repairs to the Tenant's electrical service a priority now and it should be repaired by December 1, 2014. As well the Landlord agreed to put a new weather proof 60 amp breaker box in and cover it with a wooden box.

Further the Landlord said the electrical infrastructure of the mobile home park is 60 amps and so he is unwilling to change the Tenant's service to 100 amps as it would set a precedent in the park for a 100 amp service. The Landlord said he is reluctant to upgrade all the electrical services as the cost and resulting rent increases would not be acceptable in the Park. The Tenant said he understood but it is possible to upgrade his service to 100 amps.

In conclusion both parties agreed to improve their communications, to repair the electrical service by December 1, 2014 and to leave the 60 amp service as it is.

Analysis

Section 26 of the Act says a Landlord must maintain a manufacture home park in a reasonable state of repair.

As both parties agree the electrical service to the Tenant's mobile home needs repair; I order the Landlord to have an electrician repair the electrical service to the Tenant's mobile home by December 1, 2014. If the repairs are not completed by December 1, 2014, I order the Tenant to reduce his rent payment by \$50.00 per month until the electrical service repairs are completed.

With regard to the Tenant's request for an upgrade of the electrical service from 60 to 100 amps; I accept the Landlord's testimony that the electrical infrastructure in the Park is for 60 amp services and although it is not written in the tenancy agreement it is implied for the tenancy agreement. Consequently, I dismiss the Tenant's request for an electrical upgrade from 60 amps to 100 amps on his electrical service.

As the Tenant has been partially successful in this matter I Order the Tenant to recover the \$50.00 filing fee from the Landlord. The Tenant is ordered to reduce the December, 2014 rent by \$50.00 to recover the filing fee for this proceeding from the Landlord.

Conclusion

I order a onetime rent reduction of the Tenant's December, 2014 rent by \$50.00 so that the Tenant can recover the filing fee for this proceeding.

I order an additional reduction of rent of \$50.00 for each month if the electrical service is not repaired by December 1, 2014. This reduction in rent will start December 1, 2014 and may continue until the electrical service is repaired.

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: November 19, 2014

Residential Tenancy Branch

