



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SPRUCE CAPITAL TRAILER PARK
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Code RP

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution made on April 6, 2020 (the "Application"). The Tenant applied for an order requiring the Landlords to make repairs to the unit, site, or property, pursuant to the *Manufactured Home Park Tenancy Act* (the "Act").

The Tenant attended the hearing on his own behalf. L.J. attended the hearing on her own behalf. The corporate Landlord was represented at the hearing by S.C., an agent. All in attendance provided affirmed testimony.

The Tenant testified the Notice of Dispute Resolution Proceeding package was served on the Landlords by email on April 8, 2020, and was also served on L.J. in person on April 10, 2020. L.J. and S.C. acknowledged receipt. The Landlords testified the documentary evidence upon which they rely was served on the Tenant by email on May 20, 2020. The Tenant acknowledged receipt. Neither party raised any issue with respect to service or receipt of the above documents. Pursuant to section 64(2) of the *Act*, I find they were sufficiently served for the purposes of the *Act*.

The parties were given a full opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure, and to which I was referred. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

At the outset of the hearing, the Tenant advised that he inadvertently excluded his last name from the Application and provided his correct last name. L.J. confirmed the Tenant's last name as stated. Pursuant to section 57(3) of the *Act*, I amend the Application to include the Tenant's last name.

At the conclusion of the hearing, I was disconnected from the hearing. I returned to the hearing immediately to discover that the Tenant and L.J. had disconnected from the hearing. At that time, only C.S. remained in attendance. However, the parties were advised of my decision prior to being disconnected, which is summarized below.

Issue to be Decided

Is the Tenant entitled to an order requiring the Landlord to make repairs to the unit, site, or property?

Background and Evidence

The parties agreed the tenancy began on or about September 15, 2018. Pad rent is due in the amount of \$359.00 per month but the Tenant testified he pays extra to "get ahead", which L.J. acknowledged.

The Tenant seeks an order requiring the Landlords to make repairs to the unit, site, or property. Specifically, the Tenant testified that a shed on the pad beside the Tenant's home accumulates snow which then falls off against his home. He requested that the Landlords correct the pitch of the roof of the shed, so snow does not fall against his home.

In reply, the Landlords relied on a Transfer Verification document, a copy of which was submitted into evidence. It confirms the manufactured home on the pad adjacent to the Tenant was transferred to a new owner on March 31, 2020, before the Application was made. Although the Tenant disagreed, L.J. testified the transfer included a shed on the pad.

Analysis

Based on the documentary evidence and oral testimony provided during the hearing, and on a balance of probabilities, I find:

In this case, I find the Application cannot succeed. First, the dispute appears to be between the Tenant and his neighbour, the owner of the adjacent manufactured home. I find it is more likely than not that the shed on the adjacent pad was transferred with the manufactured home to the new owner on March 31, 2020. As a result, and pursuant to section 2 of the *Act*, the *Act* does not apply to the dispute.

Second, section 26(1) of the *Act* confirms a landlord must provide and maintain the manufactured home park in a reasonable state of repair, and comply with housing, health and safety standards required by law. In this case, the Tenant's complaint is that snow falls against his home from the roof of the shed located on the adjacent pad. The Application does not appear to fall under section 26(1) of the *Act*.

In light of the above, I find that the Application is dismissed without leave to reapply. As discussed during the hearing, the Tenant may wish to raise his concerns with his neighbour to negotiate a resolution.

Conclusion

The Application is dismissed without 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: May 28, 2020

Residential Tenancy Branch