

ATTORNEY GENERAL
OF THE STATE OF WASHINGTON

MANUFACTURED HOUSING
DISPUTE RESOLUTION PROGRAM

In the Matter of the

**Complaint of Sue Drebert Against
Canyon Terrace, L.L.C., d/b/a Canyon
Terrace Estates.**

NOTICE OF NON-VIOLATION

RCW 59.30.040

MHDRP Complaint No. 457389

Following an investigation into the above-entitled matter pursuant to RCW 59.30.040, the Manufactured Housing Dispute Resolution Program of the Office of the Attorney General of Washington has found there to be NO VIOLATION of the Manufactured/Mobile Home Landlord-Tenant Act, RCW 59.20. If you disagree with this decision, your attention is directed to the section entitled APPEAL RIGHTS at the end of this Notice, which outlines the procedures under RCW 59.30.040 for filing an appeal.

This Notice does not limit the rights of any party to take other legal action.

I. INTRODUCTION

- 1.1 In November 2014, Sue Drebert filed a complaint against Canyon Terrace Estates (Canyon Terrace) with the Manufactured Housing Dispute Resolution Program (MHDRP). Ms. Drebert alleged that Canyon Terrace violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), RCW 59.20, when it failed to repair the storage shed on Ms. Drebert's rented lot.
- 1.2 The MHDRP contacted Canyon Terrace in an attempt to facilitate negotiations between the parties and resolve the dispute through an informal dispute resolution process. However, the parties were not able to negotiate a resolution to this matter and the MHDRP concluded that an agreement could not be reached between the parties. Therefore, the MHDRP conducted a formal investigation pursuant to RCW 59.30.040.

As more fully set forth below, the MHDRP concludes that Canyon Terrace has not violated RCW 59.20.135, which governs the maintenance of permanent structures.

II. FACTUAL BACKGROUND

- 2.1 Canyon Terrace is a mobile home park located in Puyallup, Washington. It is a "mobile home park" as defined in RCW 59.20.030(10).
- 2.2 Sue Drebert owns and resides in a manufactured/mobile home located on space rented from Canyon Terrace, and therefore is a tenant under RCW 59.20.030(18).
- 2.3 In the 1970's Canyon Terrace built numerous storage sheds that are located on lots throughout the park.
- 2.4 Canyon Terrace built the storage shed that is located on the lot rented by Ms. Drebert.
- 2.5 Canyon Terrace has maintained and repaired the storage sheds throughout the years, including installing new roofs in the late 1990's.
- 2.6 Canyon Terrace replaced the roof on Ms. Drebert's shed in April, 2014, in response to her complaints that the roof leaked.
- 2.7 In response to Ms. Drebert's requests, Canyon Terrace also replaced the lower portion of the outer wall to the shed, which had several holes in it. Canyon Terrace also removed vegetation around the area to prevent future holes.
- 2.8 A previous tenant had modified the interior of the shed located on Ms. Drebert's lot by placing particle board flooring over the original cement floor, and adding plywood walls to the interior of the shed. Canyon Terrace did not know about or authorize the prior tenant's modifications to the shed.
- 2.9 The particle wood floor of the shed is damp and spongy. The walls of the shed bow a little from water damage. Ms. Drebert believes there may be a mold problem in the shed because of the odor in the shed.
- 2.10 Canyon Terrace has informed Ms. Drebert that it will not replace, remove, or fix the particle wood flooring because it was installed by a previous tenant.
- 2.11 Canyon Terrace has informed Ms. Drebert that to address the potential mold problem and bowed walls, it needs Ms. Drebert to remove the plywood walls so that it may access the areas that may need repair.

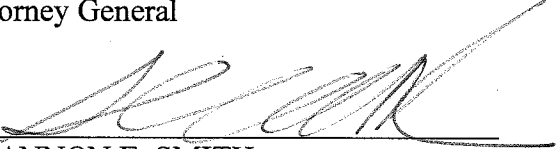
III. NON-VIOLATIONS

- 3.1 Canyon Terrace built the shed, which is a permanent structure pursuant to RCW 59.20. RCW 59.20.135.
- 3.2 Mobile home parks are "prohibited from transferring responsibility for the maintenance or care of permanent structures within the mobile home park to the tenants of the park." RCW 59.20.135(2).
- 3.3 Subsection (3) of RCW 59.20.135 provides:
- A "permanent structure" for purposes of this section includes the clubhouse, carports, storage sheds, or other permanent structure. *A permanent structure does not include structures built or affixed by a tenant.* A permanent structure includes only those structures that were provided as amenities to the park tenants.
- 3.3 The shed is a permanent structure that Canyon Terrace is required to maintain. However, a tenant made modifications to the interior of the shed. Because the modifications were made by a tenant, Canyon Terrace is not required to maintain the modifications. There is no evidence that Canyon Terrace authorized the modifications or knew about the modifications and modifications are not visible from the outside of the shed.
- 3.4 Canyon Terrace is responsible for maintaining the non-modified portions of the shed. It is reasonable for Canyon Terrace to request Ms. Drebert to remove the modifications so that Canyon Terrace can gain access to the portions of the shed it is required to maintain.
- 3.5 Canyon Terrace has not violated RCW 59.30.135.

Signed this 12th day of August, 2015.

MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM

ROBERT W. FERGUSON
Attorney General


SHANNON E. SMITH
Senior Counsel
Chief, Consumer Protection Division

APPEAL RIGHTS

Either party may appeal this Notice by requesting a hearing before an administrative law judge. If neither party appeals this Notice, the Notice of Non-Violation becomes a final order of the Attorney General and is not subject to review by any court or agency.

RCW 59.30.040 governs the parties' appeal rights. A copy of RCW 59.30.040 is attached. An appeal of this Notice requesting a hearing must be:

- In writing, stating the basis for the appeal and the specific remedy sought
- Signed by the appealing party
- Received by Manufactured Housing Dispute Resolution Program within fifteen (15) business days of the party's receipt of this notice
- Mailed or delivered to:

Attorney General's Office
Manufactured Housing Dispute Resolution Program
800 Fifth Avenue, Suite 2000, TB-14
Seattle, WA 98104-3188

If a timely appeal is received, MHDRP will coordinate with the Office of Administrative Hearings to schedule a hearing. In an appeal you will bear the cost of your own legal expenses. An administrative law judge will hear and receive pertinent evidence and testimony and decide whether a violation of the MHTLA has occurred by a preponderance of the evidence. The administrative law judge's decision will constitute the final agency order of MHDRP. A final order may be appealed to superior court according to instructions included in a decision.