

DECISION

Dispute Codes O

Introduction

This hearing dealt with an Application for Dispute Resolution by the Occupant to obtain an Order under the Manufactured Home Park Tenancy Act to allow him to occupy the site for twelve months after the sale of the property.

Service of the hearing documents, by the Applicant to the Respondent, was done in accordance with section 89 of the *Act*, served personally by the Applicant on March 29, 2010.

Issues(s) to be Decided

Is the Occupant entitled to an Order under the Manufactured Home Park Tenancy Act to allow him to occupy the property for twelve months after the sale of the property?

Background and Evidence

At the onset of the hearing I raised the issue of jurisdiction with the Applicant at which time he provided the following information:

- His manufactured home has been located on the property since 2004 and the property is owned by his mother and stepfather;
- He was not required to pay a security deposit at the onset of his occupancy;
- His mother and stepfather retain access to and control over the property;
- He pays property taxes annually and the amount is determined by his mother and stepfather;
- He does not pay a fixed amount for rent;
- The property is owned by his family and he was granted occupancy of the property based on his personal relationship and there has never been any business considerations to occupy the property;
- There were previous discussions that the Occupant would inherit the property if his mother and stepfather predeceased him;
- The Supreme Court issued an Order dated December 11, 2009 restraining the respondent to this decision from otherwise impeding or interfering with the use or

enjoyment of the Occupant's home until the trial, other disposition, or until further order of the Supreme Court.

Analysis

Upon careful review of the evidence and testimony before me I find the Applicant's entitlement to occupy the land would be considered a license to occupy under the common law and is therefore not governed under the Manufactured Home Park Tenancy Agreement.

I also note that this matter is substantially linked to a matter that is before the Supreme Court.

Based on the aforementioned reasons, I declined to hear this matter for want of jurisdiction.

Conclusion

I HEREBY DISMISS the application, for want of jurisdiction and if the Applicant wishes to pursue this matter they are advised to make application with the appropriate court.

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 17, 2010.

Dispute Resolution Officer