



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNLC, FF

Introduction

This hearing dealt with an application from the tenant to cancel a Notice to End Tenancy for conversion of a manufacture home park to another use and recovery of the filing fee. Both parties participated in the conference call hearing.

Preliminary Issue

Before considering the merits of this Application for Dispute Resolution I must determine whether I have jurisdiction in this matter.

Summary of Background and Evidence

The applicant and respondent had a license to occupy agreement in place that allowed the applicant, as an employee of Canfor, to have his trailer on property owned by Canfor. Canfor provided electricity and water to the site but has never set the property up as a manufactured home park, entered into a tenancy agreement with any of the employees or collected any rent or security deposit for use of the property. Canfor retains control over the site and pays all property taxes for the property. This property is also not zoned to be operated or developed as a manufactured home park.

The Residential Tenancy Policy Guideline states:

9. Tenancy Agreements and Licenses to Occupy

This Guideline clarifies the factors that distinguish a tenancy agreement from a license to occupy. The definition of “tenancy agreement” in the Residential Tenancy Act includes a license to occupy. However, the Manufactured Home Park Tenancy Act does not contain a similar provision and does not apply to an occupation of land that under the common law would be considered a license to occupy.

A license to occupy is a living arrangement that is not a tenancy. Under a license to occupy, a person, or "licensee", is given permission to use a site or property, but that permission may be revoked at any time. Under a tenancy agreement, the tenant is given exclusive possession of the site for a term, which can include month to month. The landlord may only enter the site with the consent of the tenant, or under the



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limited circumstances defined by the Manufactured Home Park Tenancy Act¹. A licensee is not entitled to file an application under the Manufactured Home Park Tenancy Act.

Conclusion

I hereby dismiss the Tenant's Application for Dispute Resolution, as his claim does not fall under the *Act*.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 4, 2010

Dispute Resolution Officer