

DECISION

Dispute Codes O, FF

Introduction

This conference call hearing was convened in response to the tenant's application concerning the landlord's obligation to obtain an encroachment on a neighbouring Manufactured Home Park, and to recover the filing fees associated with this application.

Issue(s) to be Decided

Do I have authority to issue an order for the Landlord of a Manufactured Home Park to obtain an encroachment on a neighbouring property?

Background and Evidence

At the outset, the tenants clarified that they purchased a mobile home on a pad located in a Manufactured Home Park. A portion of the pad encroaches on a registered easement that is not registered under the Park on which the tenant's mobile home is situated. The tenants were not aware of this at the time of purchase. To prevent problems such as the potential value and resale of the mobile home, the tenants made an application for dispute resolution and sought an Order under the *Manufactured Home Park Tenancy Act* to compel the landlord to obtain an encroachment on the portion of the pad that is not currently covered by any of the terms of the Park's tenancy agreement.

Analysis

There was no evidence of the existence of a tenancy agreement, or that the nature of the dispute fell under the terms of any such agreement. Based on this application, I am unable to identify any power under the Act that I can exercise in order to grant the tenants' request.

The tenants may reconsider their application and submit, if necessary, a new application with supporting evidence.

Conclusion

The tenants' application is dismissed with leave to re-apply.

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: February 04, 2011.

Residential Tenancy Branch