



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, AS, MNR, O, OLC

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicant has put on the application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with the request for an order allowing the tenant to assign the manufactured home site tenancy agreement, and I dismiss the monetary claim with liberty to re-apply.

Decision and reasons

On November 19, 2011 the applicants served the respondent's with a Request for Consent to Assign the Manufactured Home Site Tenancy Agreement.

On November 23, 2011 the respondent's sent the park owners response and withheld their consent to assign their tenancy agreement stating the following reasons:

1. Unsatisfactory credit report.
2. Failure to provide landlord with proof of employment or pension income.
3. Failure to provide phone number of existing landlord.

The tenants are arguing that the landlord's permission has been unreasonably withheld however it is my finding that the application for consent to assign a tenancy agreement was incomplete and therefore the landlord had the right to withhold consent.

The application did not list the name of the previous landlord or the previous landlord's phone number even though the regulations require that information be provided.

Further the application was incomplete in that the purchaser failed to sign and date the application and her agreement certifying that the information provided was true and complete.

Therefore even though the tenants have supplied some of the missing information, after the fact, is my decision that if they still wish to assign this manufactured home site agreement they must provide the landlord with a properly filled out and signed "Request for Consent to Assign a Manufactured Home Site Tenancy Agreement"

Conclusion

As stated previously the monetary portion of this claim is dismissed with leave to reapply.

The request for an order to allow the tenant to assign is also dismissed with leave to reapply, if need be, after the tenants have served the landlord with a properly completed "Request for Consent to Assign a Manufactured Home Site Tenancy Agreement".

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: December 19, 2011.

Residential Tenancy Branch