



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RP, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order and an order to have the landlord make repairs.

The hearing was conducted via teleconference and was attended by both applicants, the respondent and his legal counsel.

Prior to the hearing the respondent's legal counsel had submitted a written request for an adjournment based on insufficient time to prepare for the hearing due to the length of time the issue has been going on and to other complications related to the case such as transfer of ownership of the manufactured home park.

During the hearing while I was questioning the parties to consider the respondent's request for an adjournment it was pointed out by legal counsel for the respondent and confirmed by the applicants that the respondent is not the current landlord in the tenancy under dispute. Legal counsel confirmed the park was sold to new owners approximately a year ago.

The applicants filed their Application against the former landlord as the circumstances that led to their claim resulted when the respondent owned the manufactured home park.

I advised the parties that I would adjourn the hearing and deliberate on whether the correct respondent had been named. I advised them that if I determined the application could precede against the named respondent I would forward a Notice of Reconvened Hearing to each of the parties or if I determined the wrong respondent had been named I would provide a written decision and dismissing the applicant's claim.

Section 1 of the *Manufactured Home Park Tenancy Act* defines a landlord, in relation to a manufactured home site, includes any of the following:

- a) The owner of the manufactured home site, the owner's agent or another person who, on behalf of the landlord, permits occupation of the manufactured home site under a tenancy agreement;
- b) The heirs, assigns, personal representatives and successors in title to a person referred to in paragraph (a);

- c) A person, other than a tenant whose manufactured home occupies the manufactured home site, who
 - a. Is entitled to possession of the manufactured home site, and
 - b. Exercises any of the rights of a landlord under a tenancy agreement or this Act in relation to the manufactured home site;
- d) A former landlord, when the context requires this.

As the applicants still have a tenancy in the manufactured home park with the current owners of the park and since the issues raised on this application result from this tenancy, I find that when the respondents sold the manufactured home park to its current owners the new owners became the applicant's landlord in accordance with the definition of landlord in Section 1(a), (b), and (c) of the *Act*.

I find that Section 1(d) is intended to define those landlords in tenancies that have ended yet one of the parties has a dispute based on the ended tenancy and not to allow disputes on current tenancies to be filed against parties who have transferred their interests resulting from a sale of the park.

Issue(s) to be Decided

The issues to be decided are whether the applicants are entitled to a monetary order for repairs they have made to the site and their manufactured home; an order to have the landlord complete repairs and to recover the filing fee from the respondent for the cost of the Application for Dispute Resolution, pursuant to Sections 26, 60, and 65 of the *Manufactured Home Park Tenancy Act*.

Conclusion

For the reasons noted above, I find the applicant's have named the wrong respondent and I dismiss this Application in its entirety. I note the applicant's remain at liberty to file an Application for Dispute Resolution against the correct respondent.

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: March 05, 2012.

Residential Tenancy Branch