



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, AS, FF

Introduction

This hearing was convened in response to an application filed by the tenant seeking:

1. To dispute an additional rent increase;
2. An Order allowing the tenant to assign or sublet because the landlord's permission has been unreasonably withheld; and
3. Recovery of the filing fee paid for this application.

Issue(s) to be Decided

Has the tenant met the burden of proving she is entitled to the Orders sought?

Background and Evidence

This tenancy began in April or July 2009 when the tenant purchased the manufactured home situated in this park. The tenant testified that when she moved into the rental unit she agreed to a pad rent of \$420.00 since that time the rent has increased such that the most recent increase will result in a rent of \$460.00. The tenant submits that when she purchased the manufactured home the paperwork stated that pad rent was \$313.00 however the agreement she signed with the park owner stated the rent was \$420.00. The tenant now disputes that she agreed to pay \$420.00 in April or July 2009.

The tenant says that her father passed away and her mother had a stroke. The tenant says that she has had to move in with her mother to look after her. The tenant says that she took a leave of absence from her job in order to finish renovations on her mother's home and she subsequently lost her job. The tenant says she cannot afford the \$900.00 payment for the manufactured home. The tenant says she had a buyer for her home but the landlord has refused the buyer's application to rent the pad. The tenant says she would like to rent out her manufactured home but the landlord will not let her.

The landlord testified that the pad rent is \$441.00 and that the \$900.00 payment the tenant is speaking of includes her mortgage payment owed to purchase the

manufactured home. The landlord testified that they have tried to be helpful to the tenant and they are aware of her circumstances. The landlord states that the tenant did submit a Request for Consent to Assign a Manufactured Home Site Tenancy Agreement but the persons who she proposed were not suitable. The landlord pointed out the Residential Tenancy Branch information on manufactured home park tenancy assignments noting that a landlord may withhold consent if the park owner obtains a negative credit report. The landlord submitted the negative credit report with his evidence. The landlord stated that he is happy to entertain further applications to assign the agreement but the tenant should do a credit report herself first so she will be certain that the applicants will be suitable.

The tenant responded that she needs help now not three weeks from now. The tenant states that the landlord insists that applicants have a job.

Analysis

The tenant's application seeking to dispute an additional rent increase is dismissed because the rent agreed to in 2009 was not an increase but a rent fixed at the start of this tenancy which the tenant agreed to pay.

The tenant's application seeking to be allowed to assign or sublet this tenancy agreement is dismissed because I find that the landlord did not unreasonably withhold permission to assign or sublet. The evidence shows that the person(s) proposed by the tenant for the assignment were unsuitable due to their very poor credit report. The tenant is free to find suitable person(s) to take over her agreement and submit a new Request for Consent to Assign a Manufactured Home Site Tenancy Agreement to the landlord.

As the tenant has been unsuccessful in her claims her claim to recover the filing fee is also dismissed.

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: June 26, 2012.

Residential Tenancy Branch