



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF, O

### Introduction

This hearing was convened by way of conference call in response to the landlords' application for an Order of Possession for unpaid rent or utilities; for a Monetary Order for unpaid rent or utilities; to recover the filing fee from the tenants for the cost of this application and other issues.

The applicants and one respondent appeared at the hearing. The applicants filed their application on May 03, 2013 serving all four respondents with the original application. The applicants amended their application on May 08, 2013 and only served the last two applicants with their amended application.

### Issue(s) to be Decided

- Are the landlords entitled to an Order of Possession due to unpaid rent?
- Are the landlords entitled to a Monetary Order for unpaid rent?
- What are the landlords other issues?

### Background and Evidence

The landlords testify that the first two tenants named on the application had a tenancy agreement with the landlord to rent this site for a monthly rent of \$350.00 due on the first day of each month. The landlord testifies that those tenants were served a One Month Notice to End Tenancy for cause on March 28, 2013 and moved out of the

mobile home on April 30, 2013 leaving the mobile home in situ on the site. The landlords' testify that the mobile home continues to occupy the site but is no longer owned by those tenants and ownership has reverted back to the original owner.

The landlords testify that the new owner of the mobile home refuses to enter into a tenancy agreement with the landlords despite having been sent the relevant forms to apply for a tenancy. These include signing a form to apply for a tenancy including an agreement for a credit check being carried out; a form to have the tenancy assigned to the new owner, to have the rules of the park agreed upon and to have a building inspection done of the mobile home to ensure it meets the requirements for a mobile home of its age.

The respondent, (RT) testifies that she is the sole owner now of this mobile home and the forth respondent named on the landlords application has nothing to do with the mobile home. RT testifies that the previous tenants had purchased the mobile home from the respondent with an agreement that if they defaulted on the payments the home would revert back to the RT. RT testifies that the tenants did default on the agreement so the mobile home is now registered in RT's name again.

The RT testifies that she was reluctant to enter into an agreement as she was going to remove the home from the site and notified the landlords of this. However the site the mobile home was going to could not take the mobile home and so RT seeks to keep the home on this site until repairs can be made and the home sold.

RT testifies that she did pay rent of \$350.00 to the landlords on May 01, 2013 but this was returned to the RT by the landlords. RT testifies that she did not agree with some of the items on one of the landlords agreements so have not entered into a tenancy with the landlords at this time.

RT testifies that she is willing to enter into a tenancy now she understands the landlord agreements.

Analysis

I have carefully reviewed the evidence presented and have concluded from this that a tenancy agreement between the landlords and the respondent RT has not been established and the original tenants are no longer the owners of the mobile home. If a tenancy has not been established under the *Manufactured Home Park Tenancy Act* then I must decline jurisdiction in this matter.

Conclusion

The landlords' application is dismissed without leave to reapply.

The landlords' are at liberty to seek legal remedy in another venue.

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: May 31, 2013

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Residential Tenancy Branch