



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, OLC

### Introduction

This is an application for an Order for the landlord to comply with the Manufactured Home Park Tenancy Act.

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

All testimony was taken under affirmation.

### Issue(s) to be Decided

Is the landlord complying with the Manufactured Home Park Tenancy Act?

### Background and Evidence

The applicant testified that:

- The landlord has been refusing to accept rent from her rental unit, and for another unit she has in the rental Park, because she has refused to sign the new park rules.
- There is nothing in the Act that requires her to sign new park rules
- She therefore wants the landlord to comply with the Manufactured Home Park Tenancy Act, accept her rent, and stop requesting that she sign the new park rules.

The respondent testified that:

- He has not stopped accepting rent because of park rules; he has stopped accepting rent because the units in question do not comply with the requirements to be in the park.
- He had accepted rent on these units previously but has stopped accepting rent until the units are brought into compliance.
- He has not sent the tenant any written requests stating what the problems are and requesting that the problems be rectified.

### Analysis

First of all there is no requirement under the Act for the tenants to sign new park rules and therefore if the landlord is still attempting to get the tenants to sign those rules he should stop doing so.

Secondly, if the units in question are not in compliance, then the landlord should be sending the tenants letters requesting that the units be brought into compliance, however since the landlord has collected rent on these units for some time, a tenancy does exist and that tenancy will continue until such time as it is terminated legally by either the landlord or the tenant.

The landlord therefore should be collecting rent on the rental spaces.

## Conclusion

I am not going to issue any compliance order, as the landlord has stated that he is not forcing tenants to sign new park rules, however I will allow the tenants request for recovery of the filing fee, because the landlord has admitted that he is stopped accepting rent on these rental units, when in fact the tenancys on these units are still in place and still valid.

I therefore order that the tenant may make a one-time deduction of \$50.00 from future rent payable to the landlord.

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: September 30, 2013

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Residential Tenancy Branch