



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding College Heights Residential Park Ltd. dba College Heights Residential Park and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC OLC O

### Introduction

This hearing convened pursuant to an application by the occupants of a rental site in a manufactured home park. The company that operates the park was named as respondent in this matter. Both occupants, an agent of the park and counsel for the park called in to the teleconference hearing.

The tenants confirmed that they received the landlord's documentary evidence.

At the outset of the hearing the respondent requested that their name be amended in the style of cause to properly reflect the company's name and to remove the name of the park manager as a respondent. The tenants did not object to these amendments, and I amended the style of cause accordingly.

### Preliminary Issue – Jurisdiction

The respondent submitted that I do not have jurisdiction to hear this matter, as there is no tenancy between the applicant occupants and the respondent park. The respondent submitted that they had a tenancy with JG. The respondent became aware in June 2013 that the applicants had moved in to JG's trailer, which occupies the rental site. The respondent sent the applicants three letters, on June 14, 2013, June 28, 2013 and September 5, 2013, informing the applicants that they had no lawful right to be in the park. The respondent stated that they never received rent from the applicants, and they had stopped receiving rent from JG in late 2012 or early 2013. The applicants filled out and submitted an application for tenancy after they moved into the trailer, but declined to approve the application based on the applicants' behaviour in the park up to that time.

The applicants' response to the question of jurisdiction was as follows. The applicants purchased the trailer from JG in May 2013, and they moved in at the end of May or beginning of June 2013. JG did not inform the applicants that they would have to apply for and receive park approval to occupy the rental site. The respondent refused to accept rent from the applicants.

### Analysis

Based on the evidence before me, I determined that no tenancy had formed between the applicant occupants and the respondent park. I therefore have no jurisdiction to hear this dispute.

### Conclusion

I decline jurisdiction to hear this matter.

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: November 8, 2013

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Residential Tenancy Branch

