



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPT, AAT, LATE, SS, OPR, MNR, MND, FF

In the first application Mr. S.M. as a “tenant” seeks an order of possession of a manufactured home, an order for access and an order authorizing a change of locks.

In the second application, served on the tenant yesterday, Mr. D.B. denies any tenancy but claims an order of possession and a monetary award for rent and related relief.

On the undisputed evidence of Mr. D.B., the unit in question, owned by Mr. D.B., was sold February 7, 2014 and possession was given over to the purchaser on March 7<sup>th</sup>.

Now that the rental unit is in the lawful possession of an uninvolved third party, I would not grant the tenant Mr. S.M. the relief he seeks and put him back in possession of the manufactured home. His proper remedy now is a claim for monetary damages. He has not made that claim here and so I will not deal with it. As outlined at the hearing, he is free to make that claim. If any leave need be granted, I do so here.

Mr. D.B. takes the view that Mr. S.M. was merely a guest and not a tenant. In such a case, any relief he seeks must be claimed in a court of law not a residential tenancy dispute resolution forum. He is free to bring his application there.

Both claims are therefore 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: March 13, 2014

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Residential Tenancy Branch

