



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNL, OLC, FF

### **Introduction**

This hearing was convened in response to an application by the applicant to cancel a 2 Month Notice to End Tenancy for Landlord's Use given under the *Residential Tenancy Act*, with an effective date of November 30, 2104, and to recover the filing fee for their application.

Both parties attended the hearing and were given opportunity to present evidence and make submissions.

### **Issues to be decided**

Does the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act* apply to the parties or this dispute?

### **Background and Evidence**

The applicant argues that they own their home and therefore (they) fall under the *Manufactured Home Park Tenancy Act*. The applicant testified they rent a portion of the respondent's residential property from the respondent upon which they situated their home. The applicant described their home as a 37 foot *motor home* with large 'slide outs'. The applicant confirmed the motor home is a wheeled motor vehicle resembling a *bus* designed and intended to be driven.

### **Analysis**

Under the *Residential Tenancy Act* **Definitions:**

"rental unit" means living accommodation rented or intended to be rented to a tenant;

**Section 4** of the *Residential Tenancy Act*, in relevant part, also states:

**What this Act does not apply to**

**4** This Act does not apply to

(j) tenancy agreements to which the *Manufactured Home Park Tenancy Act* applies,

Under the *Manufactured Home Park Tenancy Act* **Definitions: (emphasis mine)**

**"manufactured home"** means a structure, whether or not ordinarily equipped with wheels, that is

(a) designed, constructed or manufactured to be moved from one place to another by being **towed or carried**, and

(b) used or intended to be used as living accommodation;

**"manufactured home park"** means the parcel or parcels, as applicable, on which one or more manufactured home sites that the same landlord rents or intends to rent and common areas are located;

**"manufactured home site"** means a site in a manufactured home park, which site is rented or intended to be rented to a tenant for the purpose of being occupied by a manufactured home;

Based on the applicant's description of their home and rental arrangement with the respondent I find that, neither, the subject home particulars or rental property particulars fall under or are governed by the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act*. As a result I find that I do not have jurisdiction in this matter, and the application is effectively dismissed.

**Conclusion**

The application is **dismissed**.

**This Decision is final and binding on both parties.**

*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 and Section 9.1(1) of the Manufactured Home Park Tenancy Act.*

Dated: November 18, 2014

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Residential Tenancy Branch

