



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, O

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for more time to dispute a notice to end the tenancy and for an order cancelling a notice to end the tenancy for unpaid rent or utilities.

The tenant and an agent for the landlord company attended the hearing.

During the course of the hearing, without affirming the parties, the landlord raised the issue that the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities that is disputed by the tenant is not issued to the tenant but to another person, and that the other person is the tenant that has a rental agreement with the landlord. The tenant named in this application is not a tenant of the landlord.

The tenant replied stating that the tenant has purchased the manufactured home, but has not completed an application with the landlord with respect to the rental of the manufactured home site, and that any arrears of rent are owed by the previous tenant of the landlord. Documents transferring ownership of the manufactured home have not yet been obtained.

Analysis

The *Manufactured Home Park Tenancy Act* permits a tenant to dispute a notice to end a tenancy when given by a landlord. However, the *Act* also describes a tenancy, a tenancy agreement and a tenant as follows:

"tenancy" means a tenant's right to possession of a manufactured home site under a tenancy agreement;

"tenancy agreement" means an agreement, whether written or oral, express or implied, between a landlord and a tenant respecting possession of a manufactured home site, use of common areas and services and facilities;

"tenant" includes

- (a) the estate of a deceased tenant, and
- (b) when the context requires, a former or prospective tenant.

In this case, it is clear that absent a tenancy agreement with the landlord, the tenant named in this proceeding is not a tenant within the meaning of the *Act* and no such tenancy exists.

In the circumstances, I am not satisfied that the tenant is a tenant within the meaning of the *Manufactured Home Park Tenancy Act*, and the tenant's application is dismissed.

Conclusion

For the reasons set out above, the tenant's application is hereby 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 *Manufactured Home Park Tenancy Act*.

Dated: August 13, 2015

Residential Tenancy Branch

