



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Riverside Mobile Estates
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes O

Introduction

This hearing dealt with an application by the tenant seeking to retain the present model of clothesline that he has. The tenant has “checked off” the box for “other” on his application. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be Decided

Is the tenant entitled to retain the present model of clothesline?

Background and Evidence

The tenant gave the following testimony:

The tenancy began on or about November 1976. Rent in the amount of \$261.40 is payable in advance on the first day of each month. The tenant stated that he had a verbal tenancy agreement with the previous owner of the park. The tenant stated no restrictions were in place in regards to clothesline. The tenant stated the present park owner wishes for him to change from the present clothesline which runs from his porch to a pole; to an umbrella style clothesline that's in a non-conspicuous place. The tenant stated he should be “grandfathered” in and be left alone.

The landlord gave the following testimony:

The landlord stated that they have taken great measures to improve the look and condition of the park. The landlord stated that the subject tenant refuses to follow the new park rules or to sign an updated agreement. The landlord stated that “99%” of tenants have switched over to the umbrella style clothesline with no issue. The landlord stated that they aesthetics of the park along with safety are reasons she has asked park residents to switch over.

Analysis

Section 32 of the Manufactured Home Park Tenancy Act clearly addresses the issue before me as follows:

Park rules

- 32** (1) In accordance with the regulations, a park committee, or, if there is no park committee, the landlord may establish, change or repeal rules for governing the operation of the manufactured home park.
- (2) Rules referred to in subsection (1) must not be inconsistent with this Act or the regulations or any other enactment that applies to a manufactured home park.
- (3) Rules established in accordance with this section apply in the manufactured home park of the park committee or landlord, as applicable.
- (4) If a park rule established under this section is inconsistent or conflicts with a term in a tenancy agreement that was entered into before the rule was established, the park rule prevails to the extent of the inconsistency or conflict.

In reviewing the documentation submitted by the landlord, there are several letters dating back to 2012 asking tenants to convert to the “umbrella style” clothesline. In a letter addressed to the subject tenants dated June 10, 2015 the landlord urges the tenants to contact the Branch and to get information regarding park rules and makes a final request to have the tenants comply. I am satisfied that the landlord has given ample notice to the tenant regarding the clothesline and that the landlord is exercising

their right to modify park rules as is stated above in Section 32 of the Manufactured Home Park Tenancy Act.

The tenant has not been successful in their application.

Conclusion

The tenants' application is dismissed.

I hereby order the tenant to remove his current clothesline by no later than noon on September 30, 2015. If the tenant wishes to install another clothesline he must do so in accordance with the park rules, specifically an "umbrella" style clotheslines in a non-conspicuous place with the written authorization of 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: August 11, 2015

Residential Tenancy Branch

