



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing was scheduled to deal with a tenant's application to dispute a 2 Month Notice to End Tenancy for Landlord's Use of Property dated September 14, 2015 (the Notice) via teleconference call. The Notice is the form produced by the Residential Tenancy Branch as a means to end a tenancy under the *Residential Tenancy Act* or *Manufactured Home Park Tenancy Act*.

The applicant appeared at the scheduled hearing but the respondent did not, despite leaving the teleconference call open for 10 minutes. The applicant testified that he put the hearing documents in the mailbox at the respondent's service address provided on the Notice. The applicant also confirmed that he received submissions and evidence from the respondent. I noted that the respondent had made written submissions to the Residential Tenancy Branch in response to the application and I was satisfied that the respondent was aware of this proceeding. Therefore, I continued to hear from the applicant without the respondent present.

I noted from the written submissions and evidence submitted by both parties, including Bills of Sale for the manufactured home that is the subject of this proceeding, that this dispute appeared to pertain to ownership or an interest in the manufactured home in which the applicant resides. The applicant confirmed that was the case and that the respondent was attempting to use tenancy laws to have him removed from the manufactured home. The applicant stated that he and the respondent are ex-spouses; he pays pad rent to the landlord of the manufactured home park; and, he does not pay rent to the respondent. The applicant does not consider himself to be a tenant of the respondent.

My authority to resolve disputes is limited to tenancy agreements between a landlord and tenant under the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act*. Accordingly, I must be satisfied that the parties have a landlord and tenant relationship and that their dispute does not concern anything greater than a tenancy.

Based upon the evidence before me, I am unsatisfied the parties have a landlord and tenant relationship and I find it likely that the parties are in dispute concerning ownership or an interest in the manufactured home in which the applicant resides. Therefore, and I decline to take jurisdiction to resolve this dispute or make any finding as to ownership or interest in the manufactured home.

Since I was unsatisfied that a tenancy agreement exists between the parties the subject Notice to End Tenancy that was served upon the applicant is of no force or effect.

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 19, 2015

Residential Tenancy Branch

