



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Applicants for an Order of Possession under the *Residential Tenancy Act*.

Preliminary Issues

Both Applicants and an agent for the mobile home park appeared for the hearing and provided affirmed testimony. There was no appearance for the named Respondents. The male Applicant testified that he had served the Respondents with notice of this hearing and a copy of the Application by registered mail on July 15, 2016.

The Applicants confirmed that they had failed to complete their names as the Applicants on their Application and that this was a clerical mistake. As a result, I amended the Application to include the Applicants appearing for this hearing as the Applicants on their Application. This correction is also reflected in the style of cause appearing on the front page of this Decision.

The Applicants had made the Application under the *Residential Tenancy Act* but had provided a notice to end tenancy under the *Manufactured Home Park Tenancy Act*. Therefore, I asked the Applicants to explain their Application.

The female Applicant testified that the male Respondent had come into a large amount of money and wanted to purchase a mobile home. However, he was unable to do so. As a result, the Applicants and the male Respondent agreed to put the mobile home into the name of the Applicants. The male Applicant testified that the male Respondent started paying rent to the owner of the mobile home park for the mobile home site after establishing an oral tenancy with the mobile home park for the amount of \$380.00 payable on the first day of each month. The male Applicant testified that the male

Respondent began to fall behind on rental payments being paid to the mobile home park. As a result, the Applicants started to pay some of the rent directly to the owner of the mobile home park to cover the rental arrears. The agent for the mobile home park appearing for this hearing confirmed the above testimony.

As a result, I informed the parties based on the evidence before me that there was insufficient evidence to show that the Applicants had established a tenancy with the Respondents and that this dispute came under the jurisdiction of either the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act*. Rather, I find in this case it is the mobile home park that is the Landlord as they are the ones that received rent for the mobile home park site from both the Applicants and Respondents. The mobile home park has not issued any of the parties with a notice to end tenancy for unpaid rent and neither are they named as a party to this dispute.

Conclusion

The parties have failed to disclose a landlord and tenant relationship which is governed by the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act*. Therefore, I dismiss the Application. Any of the parties in this case are at liberty to bring an Application before the Director if they are able to establish a landlord and tenant dispute which can be decided upon under the jurisdiction of the legislation. The parties are also at liberty to seek legal advice on this matter.

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: September 01, 2016

Residential Tenancy Branch