



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes                      MNDC, FF

### Introduction

The applicants filed an Application for Dispute Resolution seeking monetary compensation from the respondents under the Manufactured Home Park Tenancy Act and named two individuals as the respondents. The respondent referred to by initials EZ is the owner of the manufactured home park and the respondent referred to by initials AB is one of the park managers. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions.

### Preliminary and Procedural Matters

According to the details of dispute, the applicants' monetary claim deals with return of site rent paid by the applicants to the manufactured home park and the park managers up to and including the month of June 2016. The applicants seek return of these monies on the premise they should not have paid site rent since they are not the owners of the manufactured home. According to the applicants the park managers had "sold" a manufactured home to the applicants for \$15,000.00 but that they subsequently determined that the transaction was illegal due to electrical alterations done with permit. The applicants referred to a previous dispute resolution proceeding that took place in March 2016 whereby the Arbitrator declined jurisdiction to resolve their dispute and another dispute resolution held in September 2016 whereby the Arbitrator "erroneously" reached a conclusion that the applicants were tenants and they failed to pay rent (file numbers provided on cover page of this decision).

In light of the above, I found it necessary to explore whether I have jurisdiction to resolve this dispute. I informed the parties that my jurisdiction is limited to disputes between a landlord and tenant with respect to possession of a rental unit or site and that if the parties do not have a landlord/tenant relationship or if the dispute pertains to something other than tenancy related then I do not have jurisdiction to resolve their dispute. I asked the applicants whether they considered either one of the named respondents to be their landlord.

The applicants stated that they did not consider either of the named respondents to be their landlord since they do not own the manufactured home. The applicants were of the position that the owner of the manufactured home would be the tenant of the manufactured home site and liable to pay rent to the manufactured home park for the site. I was informed that that the issue of ownership of the manufactured home was heard in Small Claims court on January 19, 2017 but a decision has not yet been issued by the court. The applicants explained that they had thought a decision would have been issued by the Small Claims court by the time of this

hearing and acknowledged that the outcome of the Small Claims court hearing may affect this proceeding.

With respect to the decision made in September 2016, and the Order of Possession that was provided to the respondents with that decision, I heard that the applicants obtained a stay from the Supreme Court to stop enforcement of the Order of Possession pending a Judicial Review of the September 2016 decision.

The applicants requested that the matter before me be adjourned to a later date. In considering their request, the applicants acknowledged that they did not know when the Small Claims court or the Supreme Court would make a decision with respect to either of the matters before the courts. Since ownership of the manufactured home and enforceability of an Order of Possession are matters currently before the courts, and the date for resolution of those matters is unknown, I declined to grant an adjournment.

The applicants requested this application be withdrawn without prejudice. I granted the applicants' request and this matter is dismissed with leave.

The parties also pointed out that there is another hearing scheduled for March 27, 2017 to deal with another monetary claim filed by the applicants against the park managers (file number provided on cover page of this decision). The parties consented to cancellation of that hearing without prejudice. Accordingly, I have cancelled the hearing set for March 27, 2017.

I suggest the applicants wait to receive the decision from the Small Claims court before filing another monetary claim with the Residential Tenancy Branch against either of the respondents.

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: March 23, 2017

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Residential Tenancy Branch