



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPL, OPR, FF

Introduction

This hearing was convened in response to an application by the applicant for an Order of Possession. Only the applicant attended the hearing. I accepted that despite the respondent having been personally served by the landlord with the Notice of Hearing package, ancillary amendment and evidence on August 28, 2017, the respondent did not attend this hearing.

At the outset of the hearing the applicant confirmed that the tenant had removed their personal living accommodation (a fifth wheel trailer) from an area on their residential land designed for a recreation vehicle (the RV pad) and therefore no longer required an Order of Possession, as already having de facto possession. As a result the applicant's application was rendered unnecessary or moot, and effectively **dismissed**.

The matter of jurisdiction was raised as this matter does not fall under the Residential Tenancy Act (RTA) or the Manufactured Home Park Tenancy Act (MHPTA) given the RV pad is not *living accommodation* or *residential property* as defined in the RTA, and, the RV pad is not a *manufactured home site* within a *Manufactured Home Park* as defined in the MHPTA. Regardless, having otherwise dismissed the application I decline to dismiss this matter for lack of jurisdiction.

Conclusion

The applicant's request in this matter is moot. The application is **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 Residential Tenancy Act.

Dated: October 11, 2017

Residential Tenancy Branch