



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, AAT, FF

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 47;
2. An Order allowing access to the unit for the tenant or the tenant’s guests - Section 70; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlords and Tenants were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the dispute under the jurisdiction of either the Act or the Manufactured Home Park Tenancy Act (the “Home Park Act”)?

Background and Evidence

The following are undisputed facts: The dispute is in relation to a mobile home owned by the current Tenants. The mobile home was previously owned by the parents of the current Tenants and has been parked on a piece of land owned by the Landlord since 1981 with the current Tenants in the home since 1992. The Tenants pay monthly rent to the Landlord for this piece of land. The mobile home is parked on land that is zoned

as an agricultural land reserve. There are no other sites on this land that is used by or provided to any other mobile homes.

Analysis

Section 2 of the Act provides that the Act applies to tenancy agreements, rental units and other residential property. Section 1 of the Act provides as follows:

- **"rental unit"** means living accommodation rented or intended to be rented to a tenant;
- **"tenancy agreement"** means an agreement between a landlord and a tenant respecting possession of a rental unit;
- **"residential property"** means, inter alia, the rental unit and common areas.

As the mobile home is owned by the Tenants, I find that the home is not a rental unit and that the Act therefore does not apply to the dispute.

Section 2 of the Home Park Act provides that the Home Park Act applies to tenancy agreements, manufactured home sites and manufactured home parks. Section 1 of the Act provides as follows:

- **"tenancy agreement"** means an agreement, whether written or oral, express or implied, between a landlord and a tenant respecting possession of a manufactured home site, use of common areas and services and facilities;
- **"manufactured home park"** means the parcel or parcels, as applicable, on which one or more manufactured home sites that the same landlord rents or intends to rent and common areas are located; and
- **"manufactured home site"** means a site in a manufactured home park, which site is rented or intended to be rented to a tenant for the purpose of being occupied by a manufactured home;

As there are no other manufactured homes on the property and as the land that is being rented is not zoned for a manufactured home park and is zoned for an agricultural land

reserve, I find that the site is not situated on a manufactured home park and that the Home Park Act therefore does not apply to the dispute.

Conclusion

As there is no jurisdiction over the dispute I dismiss the application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act and the Home Park Act.

Dated: November 08, 2017

Residential Tenancy Branch