



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution (the Application) for an order regarding a disputed rent increase that does not comply with the *Manufactured Home Park Tenancy Regulations (Regulations)* pursuant to section 36 of the *Manufactured Home Park Tenancy Act*.

The landlord and the tenant attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

While I have turned my mind to all the documentary evidence, including the testimony of both parties, not all details of the respective submissions and/or arguments are reproduced here.

The landlord acknowledged receipt of the Application and evidentiary package which was sent by way of registered mail to her on September 25, 2017. In accordance with sections 81 and 82 of the *Act*, I find the landlord is duly served with the Application and evidentiary package.

The tenant acknowledged receipt of the landlord's evidence, which was left in the mailbox at the tenant's residence on October 10, 2017. In accordance with section 81 of the *Act*, I find the tenant is duly served with the landlord's evidence.

The tenant testified that, before the end of May 2017, they received a copy of the Notice of Rent Increase forms with supporting documentation, dated May 26, 2017. In accordance with section 81 of the *Act*, I find the tenant is duly served with the Notice of Rent Increase forms and supporting documentation.

Issues(s) to be Decided

Is the tenant entitled to an order regarding a disputed additional rent increase?

Background and Evidence

The landlord testified that this tenancy began in 1993, with a current monthly rent of \$346.84, effective as of September 01, 2017, due on the first day of each month.

The landlord provided a copy of the signed Notice of Rent Increase forms with supporting documentation dated May 26, 2017, with an effective date of September 01, 2017.

The tenant provided a copy of the signed Notice of Rent Increase forms.

The landlord testified that they have calculated the rent increase in accordance with the *Act* and the *Regulations* which allows for an increase in rent based on an increase in expenses incurred by the manufactured home park.

The tenant submitted that there are tenants living in a rental unit located in the manufactured home park, separate from the other manufactured homes, and questioned why he is paying for their expenses as a part of the common property. The tenant also questioned why he had to pay for the increase in expenses for different addresses showing on the electricity bills that he did not recognize as being a part of the manufactured home park.

The landlord submitted that the caretakers of the manufactured home park reside in the rental unit and that the other addresses showing on the electricity bills are for buildings such as an office, a pump station, and for a service building which are all a part of the manufactured home park.

Analysis

Part 4, section 34 of the *Act* establishes the rules regarding rent increases for Manufactured Home Parks and that a landlord must not increase rent except in accordance with this Part. Sections 35 and 36 of Part 4 of the *Act* only allow for a rent increase served in the approved form, at least 3 months before the effective date of the increase by an amount calculated in accordance with the *Regulations* or for an amount agreed to by the tenant. The current allowable rent increase for 2017 is 3.7%.

Section 32 of the *Regulations* allows for a landlord to increase the rent by the allowable rent increase, in addition to a proportional amount equal to the sum of the of the change in local government levies and the change in the utility fees for the manufactured home park divided by the manufactured home sites in the park.

The *Regulations* define utility fees and local government levies as the sum of the payments respecting a manufactured home park made by the landlord towards these obligations. I find that the addresses that the tenant has questioned the landlord about are for buildings that form a part of the manufactured home park and therefore form the sum of the payments for the operating expenses of the manufactured home park. I find that the tenant did not dispute that

these buildings form a part of the manufactured home park once advised as such by the landlord.

I further find that the caretaker's rental unit also forms a part of the operations of the manufactured home park in the same way that the pump station and the service building do as it is a part of the operations of the manufactured home park and as such forms a part of the sum of the payments made towards utility fees and local government levies.

I find that the Notice of Rent Increase forms are on the approved form, comply with section 45 of the *Act* and that all supporting documentation is included with the Notice of Rent Increase forms. I find the landlord has raised the monthly rent by the current allowable rent increase for the year 2017 in the amount of 3.7%, plus the proportionate increase in local government levies and utility fees as supported by the documentation, and that the rent increase is in compliance with the Part 4 of the *Act* and Part 5 of the *Regulations*.

Section 36(2) of the *Act* establishes that a tenant may not make an application for dispute resolution to dispute a rent increase that complies with Part 4 of the *Act*.

For the above reasons, I dismiss the tenants' Application to dispute the Notice of Rent Increase.

Conclusion

The tenant's Application is dismissed, without leave to reapply.

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: January 05, 2018

Residential Tenancy Branch