



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SHERWOOD MHP INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT

Introduction

This hearing dealt with an application pursuant to the *Manufactured Home Park Tenancy Act* (the *Act*) for:

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 60.

GB appeared on behalf of the respondent in this hearing. Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

Preliminary Issue-Jurisdiction

At the beginning of the hearing the applicant confirmed that he was never a tenant, nor was he representing the former tenant in this dispute. The applicant testified that he was seeking monetary compensation from the respondent for destruction of his personal property by the respondent. The applicant confirmed that he had filed a similar application in small claims court, and a court date was scheduled for January 5, 2019.

The definitions of a “tenancy”, “tenant”, “manufactured home site”, and a “tenancy agreement” are outlined in the following terms in section 1 of the *Act*:

"tenancy" means a tenant's right to possession of a manufactured home site under a tenancy agreement;

"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;

"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;

"tenant" includes

- (a) the estate of a deceased tenant, and
- (b) when the context requires, a former or prospective tenant.

As the applicant confirmed that he was never a tenant under the definition of the *Act*, I find that a tenancy did not exist between both parties, and I am unable to consider the application as I have no jurisdiction in this matter.

Conclusion

I decline to hear this matter as I have no jurisdiction to consider this 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 *Manufactured Home Park Tenancy Act*.

Dated: October 25, 2018

Residential Tenancy Branch