



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, MNRL, OPR

Introduction

This hearing dealt with the applicant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted via teleconference and was attended by the landlords. No one was in attendance on behalf of the tenant.

The landlords submitted documentary evidence that the tenant was served notice of this application and this hearing by having a witness present when he was personally served on August 26, 2018. Based on the submissions of the landlords, I find the tenant was duly served notice of this proceeding on August 26, 2018, pursuant to section 89 of the *Act*. Therefore, I continued in the absence of the tenant.

Preliminary Issue – Jurisdiction

At the outset of the hearing the issue of jurisdiction arose. The applicant advised that this is acreage property that has commercial green houses on it. LD testified that this is not a manufactured home park. LD testified that there is no water service, sewer service, electrical service, or natural gas service available for anyone to use. PD testified that this is a mobile home that is fully capable of being driven off of the property. PD testified that the respondent was looking for a place to park his motorhome and they came to an agreement to allow him to do so for \$400.00 per month. PD testified that the respondent parked numerous unauthorized vehicles onto the property. PD testified that the respondent hasn't paid for the past three months and the total amount outstanding

is \$2175.00. PD testified that the respondent told him that he just needs to put a new battery in the motorhome and he will drive away off of the property. PD testified that there isn't a tenancy agreement as he thought the respondent would just be parking a vehicle on the property.

Based on the undisputed testimony of both landlords and the documentation before me, I find that this not a landlord tenant relationship but rather it is a parking agreement. The Residential Tenancy Act only addresses issues between landlords and tenants. As such, parking disputes do not fall under the jurisdiction of the Residential Tenancy Act.

Conclusion

The applicants' application is dismissed as it does not fall under the jurisdiction of the Residential Tenancy Act.

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, 2018

Residential Tenancy Branch