



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, FFT

Introduction

This hearing dealt with the applicant's application pursuant to the *Manufactured Home Park Tenancy Act* (the "Act") for:

- more time to make an application to cancel the 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") pursuant to section 59;
- cancellation of the 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") pursuant to section 40; and
- authorization to recover the filing fee for this application from the respondent pursuant to section 65.

The applicant did not participate in the conference call hearing, which lasted approximately 14 minutes. The respondent's agent (the "respondent") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The respondent confirmed he was an agent of the respondent named in this application, and had authority to speak on his behalf.

Preliminary Issue - Jurisdiction

The respondent testified that the applicant occupies a fifth wheel in a Recreational Vehicle Park ("RV Park"), zoned for Outdoor Recreation; not a Manufactured Home Park. It is the respondent's position that this living arrangement is a licence to occupy which does not fall under the *Act*. The respondent has submitted copies of the registration form signed each month by the applicant and a copy of the rules and policies of the RV Park. Additionally the respondent confirmed that the notice of eviction referred to by the applicant was not in the prescribed form.

Although the *Act* defines manufactured homes in a way that might include recreational vehicles such as travel trailers, it is up to the party making an application under the *Act* to show that a tenancy agreement exists. Because the applicant did not attend the

hearing to present his claim, I find he failed to meet his onus and therefore dismiss the applicant's claim on the basis of jurisdiction.

Conclusion

The applicant's entire claim 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: October 15, 2018

Residential Tenancy Branch