



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HUNTERS RANCH RESORT/KINGFISHER CAMP  
GROUND and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes            MNDCT, MNSD

### Introduction

This hearing was scheduled to deal with a Tenant's Application for Dispute Resolution for a Monetary Order that was filed with the Residential Tenancy Branch under the *Manufactured Home Park Tenancy Act* ("the Act"). The applicants appeared at the hearing; however, there was no appearance on part of the respondent(s).

The applicant testified that she personally served the respondent (or agent for named respondents) with the hearing documents and evidence within three days of filing the Application in November 2018 and in December 2018. I noted that there appeared to be a response from the respondent uploaded to the Residential Tenancy Branch service portal the day before this proceeding. I was satisfied that the applicants did serve the respondent with notification of this proceeding and I continued to hear from the applicants.

### Preliminary Issue -- Jurisdiction

My authority to resolve disputes is provided by the Director of the Residential Tenancy Branch and is limited to disputes involving tenancies that fall under the *Residential Tenancy Act* and the *Manufactured Home Park Tenancy Act*.

Shortly after the hearing commenced I determined it was necessary to explore whether the subject property was a manufactured home site within a manufactured home park to which the Act applies.

The applicant testified that a year's worth of rent was paid in advance to the respondent for a site to park their recreational vehicle to use as living accommodation and a written agreement was executed by the parties; however, the site was not equipped with water lines or sanitary waste disposal systems or other utilities. Rather, the applicants had to pump water from a nearby creek, run a generator for electricity, and dumped grey waste water into a hole in the ground. The applicants made enquiries with the by-law office and determined the land is not zoned for use as a campground or manufactured home park and the site provided to the applicant is actually on crown land. Nor, did the respondent own the land that provided access

to the rv lot. The applicants were of the view the property was not a manufactured home park and were of the position the respondent perpetrated a fraud upon them and other occupants residing on the property.

Where there is a question of jurisdiction, the applicant bears the burden to prove the Act applies. Residential Tenancy Branch Policy Guidelines 9 and 27 provide policy statements and information with respect to jurisdiction concerning recreational vehicles, campgrounds and licenses to occupy. As provided in those policy guidelines, a recreational vehicle may meet the definition of a “manufactured home” but I must be satisfied that the property rented to the occupier is a manufactured home site in a manufactured home park under a tenancy agreement as opposed to a license to occupy.

Considering the property was not equipped with services and utilities one would ordinarily expect in a manufactured home park (frost free water lines, sanitary waste disposal, electrical connections and the like); the property was not zoned for use as a manufactured home park; and, the site was not on land the respondent had the right rent, I am unsatisfied that the subject property is a manufactured home site in a manufactured home park to which the Act applies. Therefore, **I decline to accept jurisdiction to resolve this dispute.**

The applicants remain at liberty to pursue a remedy against the respondent in the applicable forum which may include the Civil Resolution Tribunal, Small Claims Court and/or the criminal justice system.

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: March 15, 2019

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Residential Tenancy Branch