



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Jinglepot RV Park and Campground and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This hearing was convened in response to an application for an order of possession pursuant to section 48 of the Manufactured Home Park Act (the “Act”).

The Respondent did not attend the hearing. The Applicant states that he served the application for dispute resolution, notice of hearing, and all evidence (the “Materials”) by posting the Materials on the Respondent’s door. This service is not provided for under the Act. However given the reasons below I may not dismiss this application with leave to reapply.

Issue(s) to be Decided

Does the Act apply to the dispute?

Background and Evidence

The Applicant states that the unit in question is a trailer on wheels that can only be towed to places. The Applicant states that the trailer is on a site in an RV park and campground and not on a manufactured home park. The Applicant states that there is no tenancy agreement and that the Respondent is required to leave if rent is not paid.

Analysis

Section 2 of the Act provides that the Act applies to tenancy agreements, manufactured home sites and manufactured home parks. Section 1 of the Act provides as follows:

"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;

"manufactured home park" means the parcel or parcels, as applicable, on which one or more manufactured home sites that the same landlord rents or intends to rent and common areas are located; and

"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.

Based on the Landlord's evidence of no tenancy agreement and that the trailer is occupying a site that is not in a manufactured home park I find that the Act does not apply to the dispute and I dismiss the application.

Conclusion

The application is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 05, 2019

Residential Tenancy Branch