



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, PSF

Introduction

This teleconference hearing was scheduled in response to an application under the *Manufactured Home Park Tenancy Act* (the “Act”) for an Order for the landlord to comply with the *Act*, *Regulation* and/or tenancy agreement, and for an Order for the landlord to provide services or facilities as required per the tenancy agreement or law.

The Respondent and the Respondent’s spouse were present for the teleconference hearing while no one called in for the Applicants during the approximately 11 minutes that the phone line remained open.

The parties present at the hearing were affirmed to be truthful in their testimony and confirmed receipt of the Notice of Dispute Resolution Proceeding package and a copy of the Applicants’ evidence. The Respondent did not submit any evidence prior to the hearing.

Preliminary Matters - Jurisdiction

As stated by rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, if a party fails to attend the hearing, the application may be dismissed, or the hearing may continue in their absence. As the Respondent presented information that brought jurisdiction into question, further testimony was accepted for consideration.

The Respondent stated that he purchased the property in October 2017 and the Applicants were already residing there in a trailer parked in the driveway. The Respondent stated that this is not a tenancy and that there is no tenancy agreement in place. The Respondent testified that the Applicants use electricity from a residence on

the property by plugging into the outdoor outlet. The Respondent further stated that the Applicants presented a false statement in their evidence by claiming that they pay rent.

I refer to Section 2(1) of the *Act* which states the following:

2 (1) Despite any other enactment but subject to section 4 [*what this Act does not apply to*], this Act applies to tenancy agreements, manufactured home sites and manufactured home parks.

I accept the affirmed testimony of the Respondent that there is no tenancy agreement, this is not a manufactured home park and the Applicants' trailer is not on a manufactured home site. Therefore, I find that I do not have jurisdiction over this matter as the *Manufactured Home Park Tenancy Act* does not apply.

Conclusion

I decline jurisdiction as the *Manufactured Home Park* does not apply to this matter.

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: April 01, 2019

Residential Tenancy Branch