



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

On June 2, 2020, the Applicants submitted an Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act* (the “Act”) requesting an order for the landlord to comply with the Act. The matter was set for a participatory hearing via conference call.

Preliminary Matters

The Applicants attended the conference call hearing; however, the Respondent did not attend the 56-minute hearing. The Applicants stated that they served the Respondent the Notice of Dispute Resolution Proceeding by dropping it off to an adult at the Respondent’s residence.

During the hearing, it became clear that the Applicants were not involved in a tenancy with the Respondent and I advised that their request for an order for the landlord to comply with the *Manufactured Home Park Tenancy Act* would be dismissed.

While the Applicants (purchasers) were providing background information about their matter, they stated that they were attempting to address a sale of a manufactured home located on a *Manufactured Home Park* site. They were also attempting to clarify the legislation regarding the assignment of a homeowner’s tenancy agreement to a purchaser.

For the purposes of education and clarification for the parties, I have included several references to the *Manufactured Home Park Tenancy Regulations*.

Sections 42 through 52 of the Regulations outline the responsibilities of a landlord, homeowner (seller) and purchaser. Please refer to these Regulations for full details. I've included a summary of various sections that may apply to this matter:

- If a homeowner wishes to sell their manufactured home and assign the tenancy agreement to a purchaser, the homeowner must request the consent of the landlord of the park in writing and on the approved form – see section 44 of the Regulations for full details.
- The landlord of the park must provide the homeowner with a written response to a request under section 44 on the approved form and within 10 days of the landlord's receipt of the request. If a landlord withholds their consent for the homeowner to assign or sublet, the landlord's response must indicate the grounds on which they are withholding consent and the source and nature of information that supports those grounds – see section 45 of the Regulations for full details.
- The landlord's consent to the request may be deemed to have been given and the homeowner may assign to the purchaser if the homeowner has not received the landlord's proper response in 10 days – see section 46 of the Regulations for full details.
- The Regulations provide clear guidance for all parties of a Manufactured Home Park Tenancy Act tenancy. I would recommend that all parties review these Regulations as they continue their negotiations.

To be clear, if the parties cannot reasonably agree on the terms of the sale of the manufactured home and assignment of the tenancy agreement, it can only be the homeowner (seller) or landlord (not the purchaser) that applies for dispute resolution with the Residential Tenancy Branch.

If any party has any questions regarding this tenancy, they can always access further information via the Residential Tenancy Branch website or by speaking directly with one of the Information Officers at the Branch.

Conclusion

As the relationship between the Applicants and the Respondent do not involve a tenancy as defined under the Manufactured Home Park Tenancy Act, the Act does not apply to these parties. As a result, I find that I do not have jurisdiction in this matter, and I dismiss the Application for Dispute Resolution.

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 5, 2020

Residential Tenancy Branch