



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause.

The tenant and the landlord attended the hearing, and each has provided evidentiary material. The tenant was assisted by an agent, and the landlord was accompanied by a support person.

The parties did not give affirmed testimony, however the parties had lengthy discussions regarding jurisdiction. During those discussions, I concluded that neither the *Residential Tenancy Act* nor the *Manufactured Home Park Tenancy Act* applies to this tenancy for the following reasons:

- The *Residential Tenancy Act* provides that the *Act* does not apply to living accommodation included with premises that
 - (i) are primarily occupied for business purposes, and
 - (ii) are rented under a single agreement.
- A “manufactured home site” is defined in that *Act* as a site rented or intended to be rented to a tenant for the purpose of being occupied by a manufactured home. A rental or tenancy relationship over land onto which a manufactured structure is brought or intended to be brought, will be outside the scope of the *Manufactured Home Park Tenancy Act* unless it is within those definitions.
- Under a licence to occupy, a person is given permission to use a rental unit or site, but that permission may be revoked at any time. The Branch does not have the authority under the *Manufactured Home Park Tenancy Act* to determine disputes regarding licences to occupy.

In this case, the rental property is commercial property upon which the tenant has brought a holiday trailer. There is no separation between the commercial tenancy and the

residential tenancy, meaning they are under a single agreement, and I decline jurisdiction to hear and decide on this matter.

Conclusion

For the reasons set out above, I decline jurisdiction to hear and decide on the tenant's application.

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: November 03, 2020

Residential Tenancy Branch