



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PARKBRIDGE LIFESTYLE COMMUNITIES
INC. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

Introduction

On August 4, 2021, the Tenants submitted an Application for Dispute Resolution under the *Manufactured Home Park Tenancy Act*, requesting an order for the Landlord to comply with the Act. The matter was set for a participatory hearing via conference call.

Preliminary Matter – Jurisdiction

The hearing started off by attempting to clarify the issue by which the Tenants applied for dispute resolution. The Tenants initially stated they were only hoping to review the circumstances regarding an unresolved water ingress problem and to order the Landlord to comply with the *Manufactured Home Park Tenancy Act*.

When the Landlord was asked if they understood this was the issue to be dealt with at today's hearing, the Landlord's Counsel responded by stating they did not. The Landlord's Counsel stated that it was his understanding, that the Tenants were making a monetary claim for compensation and that the Tenants were claiming that they had been threatened with eviction.

The Tenants responded by correcting themselves and acknowledging that they were seeking compensation from the Landlord.

The Landlord's Counsel agreed that the Tenants' Application, did not outline a request for relief, although, some of the evidence received referred to monetary compensation.

The Landlord's Counsel also raised the issue of jurisdiction and advised that the Landlord did not feel that the tenancy in this matter fell under the jurisdiction of the Residential Tenancy Branch and specifically the *Manufactured Home Park Tenancy Act*.

The Tenant's Witness MU spoke to considerations such as the property being on First Nations' land, previous and relevant decisions from the Residential Tenancy Branch in relation to tenancies on this land, and that the property is a C.P. Land Holding.

By the end of these discussions, the parties agreed that jurisdiction must be addressed and further acknowledged that evidence has not been gathered or shared between the parties in this regard.

Based on the discussions, I find that the parties are not prepared to move forward with the Tenants' Application, and that the parties agree that jurisdiction should be addressed first. As such, I dismiss the Tenants' Application with leave to reapply.

As addressed during the hearing, I encourage the parties to discuss both the matter of jurisdiction and any other outstanding issues amongst themselves to, ideally, determine how to move forward.

If a decision on jurisdiction regarding a tenancy under the *Manufactured Home Park Tenancy Act* is required, the parties are invited to apply for dispute resolution via the Residential Tenancy Branch.

Conclusion

The Tenants' Application is dismissed with leave to reapply.

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: September 16, 2021

Residential Tenancy Branch