



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SUN VALLEY TROUT PARK
INC. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP

Introduction

The proceeding was scheduled as an expedited hearing upon receipt of a tenant's Application for Dispute Resolution indicating termination of the applicants' electrical connection at the subject property.

The applicants appeared for the hearing as did two agents for the corporate respondent.

I confirmed the proceeding package was delivered to one of the respondent's agents, in person, on or about October 13, 2021. I also confirmed the respondent's evidence was posted to the applicant's recreational vehicle on or about October 21, 2021. Although the respondent's evidence was served less than seven clear days before this hearing, I recognize that this hearing was scheduled with very little advance notice given the urgent nature of the application. Therefore, I admitted the respondent's evidence as I was of the view that the amount of evidence was not overly large and could be reviewed in the number of days it was in the applicant's possession.

Shortly after the hearing commenced, I determined it necessary to explore whether I have jurisdiction to resolve this dispute as the respondent was of the position the *Manufactured Home Park Tenancy Act* ("the Act") does not apply to the agreement between the parties. The applicants were of the position the Act does apply.

I heard oral submissions and I was presented some documentary evidence by the respondents with respect to jurisdiction. However, the parties were rather unprepared, confused and unorganized with respect to the issue of jurisdiction. The parties also indicated they have filed other Application for Dispute Resolution against each other that have yet to be heard or decided. Nevertheless, the parties were open to resolving the one urgent issue raised in this application by way of a mutual agreement and they were able to reach an agreement before me. Given the significance of jurisdiction and

the lack of preparedness on this issue by the parties, but in recognition the parties reached a resolution with respect to the one urgent issue, I make no finding with respect to jurisdiction and I have recorded the parties' mutual agreement as a courtesy. I strongly suggest the parties obtain their own independent legal advice concerning jurisdiction and be prepared to submit arguments and evidence in support of their respective positions at their future hearing(s).

During the hearing, the parties agreed to the following in resolution of the issue concerning termination of the electrical connection:

1. The applicants shall give payment of \$123.00 to the respondent today. If payment is accomplished by way of cheque, bank draft, or money order the instrument is to be made payable to the corporate respondent.
2. The respondents shall restore the electricity to the subject site today.

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

Dated: October 26, 2021

Residential Tenancy Branch