



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0751548 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNC, FF

Introduction

This hearing dealt with an application by the tenants for an order setting aside a notice to end this tenancy. Both parties participated in the conference call hearing.

Issue to be Decided

Does this relationship fall under the jurisdiction of the Residential Tenancy Branch?

Background and Evidence

The facts are not in dispute. The tenants reside in a manufactured home which they recently purchased from KH. Prior to being evicted in July 2014, KH had a tenancy with the landlord to rent the manufactured home site. KH sold the manufactured home to the tenants but apparently did not attempt to gain the landlord's permission to sublet or assign the site to the tenants. The landlord served the tenants with a notice to end tenancy for cause.

The tenants do not have a direct relationship with the landlord named in this application. Rather, they pay their rent to KH.

Analysis

My authority as an Arbitrator arises through the Manufactured Home Park Tenancy Act (the "Act"). The only disputes I am permitted to adjudicate are disputes between landlords and tenants who have a direct contractual relationship. In this case, the only contractual relationship the tenants have related to the manufactured home is with KH. They do not have any contractual relationship whatsoever with the landlord.

Because the parties are not in a contractual relationship with each other, I find that this relationship falls outside the jurisdiction of the Act and I therefore cannot adjudicate the party's grievances.

Conclusion

The application is dismissed for want of jurisdiction.

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: September 02, 2014

Residential Tenancy Branch

