



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Stonecliff Properties Limited BDA- Stonecliff Park  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, MNDC, FF

### Introduction

This is an application to cancel Notice to End Tenancy, a request for a Monetary Order for \$10,000.00, and a request for recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issues are whether or not to cancel a Notice to End Tenancy and whether or not to issue a Monetary Order in favour of the applicants for \$10,000.00 and recovery of their filing fee.

### Background and Evidence

On August 21, 2014 the tenants received a 12 month Notice to End Tenancy listing the following reason:

- The landlord has all necessary permits and approvals required by law and intends in good faith, to convert all or a significant part of the manufactured home Park to a non-residential use or residential use other than manufactured home Park.

Counsel for the landlord stated that:

- Their intention for the mobile home park is to close it entirely and converted to green space.
- The mobile home park itself is in very poor condition and at one time they attempted to do repairs to the mobile home park while the tenants were living there, however they met considerable resistance from some of the tenants in the mobile home park (not from these applicants however), and as they result were unable to do those repairs with the tenants in place.
- This mobile home park is losing approximately \$10,000.00 to \$15,000.00 per month, and it is no longer economically viable for them to continue to run the park.
- This mobile home park will therefore be entirely decommissioned and turned into green space.
- There are no permits required to close the mobile home park.

The tenants testified that:

- The landlord's Notice to End Tenancy states that all permits required are in place, and now the landlords are stating that no permits are required. Why would they claim permits are in place and now say that they don't require them. We think the landlords must need permits.
- At no time did they ever resist the landlord's attempts to renovate the park yet they are being victimized by the landlord's decision to close this park.
- They think the landlord just allowed the park to deteriorate in hopes of getting rid of the tenants.
- One year's notice to move is not sufficient time for them to be able to afford to come up with the amount of money needed to move out of the park and therefore they are requesting an Order that the landlords pay them \$10,000.00 for their moving costs.
- The amount of compensation payable under the Manufactured Home Park Tenancy Act won't come anywhere near their costs to relocate their trailer.
- They are therefore asking that the Notice to End Tenancy be canceled, or that the landlord pay \$10,000.00 for their costs to move their mobile home.

In response to the tenant's testimony the landlord's testified that:

- They certainly did not allow the park to deteriorate just to get rid of tenants, as stated previously they attempted to upgrade the park with the tenants in place

however they met significant resistance from some of the tenants and therefore were unable to do so.

### Analysis

Section 42 of the Manufactured Home Park Tenancy Act states:

**42** (1) Subject to section 44 [*tenant's compensation: section 42 notice*], a landlord may end a tenancy agreement by giving notice to end the tenancy agreement if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to convert all or a significant part of the manufactured home park to a non-residential use or a residential use other than a manufactured home park.

(2) A notice to end a tenancy under this section must end the tenancy effective on a date that

(a) is not earlier than 12 months after the date the notice is received and is the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement, and

It is my finding that the landlords have shown that they intend, in good faith, to convert this park to green space.

Further, the applicants have provided no evidence to show that any permits are required for the landlords to decommission this park.

I therefore will not cancel the Notice to End Tenancy.

Secondly, section 44 of the Manufactured Home Park Tenancy Act spells out what compensation is required when a one-year Notice to End Tenancy is given. Section 44 states:

**44** (1) A landlord who gives a tenant notice to end a tenancy under section 42 [*landlord's use of property*] must pay the tenant, on or before the effective date of the notice, an amount that is equivalent to 12 months' rent payable under the tenancy agreement.

(2) In addition to the amount payable under subsection (1), if steps have not been taken to accomplish the stated purpose for ending the tenancy under section 42 within a reasonable period after the effective date of the notice, the

landlord must pay the tenant an amount that is the equivalent of 6 times the monthly rent payable under the tenancy agreement.

Therefore since the monthly rent payable for this unit is \$215.40, the landlord will be required to pay the tenants a total of \$2584.80 on or before the effective date of the notice. Therefore I will not be issuing an Order for the landlords to pay the tenants \$10,000.00 for their moving costs.

Having denied the tenants requests it's also my finding that the tenants must bear the \$50.00 cost of the filing fee.

### Conclusion

The tenant's application to cancel the Notice to End Tenancy is dismissed without leave to reapply.

The tenant's application for a Monetary Order for \$10,000.00 and recovery of the \$50.00 filing fee is also dismissed in full without 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 *Manufactured Home Park Tenancy Act*.

Dated: October 23, 2014

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Residential Tenancy Branch

