



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      O, FF

### Introduction and Preliminary Matters

This hearing was convened as a result of the tenant's application for dispute resolution under the *Manufactured Home Park Tenancy Act* ("Act"). The tenant applied for for recovery of the filing fee paid for this application and for other relief under the Act.

The tenant and the landlord were in attendance for the hearing; however, a discussion as to the issues began due to the claim of the tenant in her application.

In her application, the tenant submitted that the landlord wanted to move her greenhouse that was installed 3 years ago by June 1, 2015, and that if she did not, the landlord intended to charge the tenant for the move. Additionally, the tenant submitted that the landlord wanted the tenant to reseed the area near the front of her manufactured home site, and if not done by June 1, 2015, the landlord would charge the tenant.

The tenant confirmed that as of the day of the hearing on May 29, 2015, the greenhouse had not been moved and there had been no charges or attempted charges by the landlord, as the date of June 1, 2015, had not yet arrived. The tenant submitted that the area near the front of her manufactured home site was now grassy due to the warm weather. It appeared from the tenant's application that her request was a preemptive move in order to ensure the landlord's future compliance with the Act.

The parties were informed that I could not find a section of the Act under which to go forward on the tenant's application, as the triggering date of June 1, 2015, for any potential actions taken by the landlord had not yet come, as confirmed by the parties.

During this preliminary discussion, the parties each were cautioned that both were already under an obligation to comply with the provisions of the Act, the Manufactured Home Park Tenancy Regulation, and their tenancy agreement.

Analysis and Conclusion

For the above reasons, I find the tenant's application was premature when it was made.

I therefore refuse the tenant's application, pursuant to section 52(5) of the Act, as the application does not disclose a dispute that may be determined under this Part. I make no findings on the merits of the application for dispute resolution. The tenant is at liberty to reapply at such time as any remedy under the Act due to the landlord's alleged activities become actionable.

I do not grant the tenant recovery of her filing fee.

The parties were advised that they should contact the Residential Tenancy Branch ("RTB") immediately for any assistance or information as to their rights and remedies under the Act. The contact information is enclosed with this Decision.

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: June 1, 2015

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Residential Tenancy Branch

