



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, DRI, OLC, MNDCT

Introduction

This hearing was convened in response to an application by the Tenants pursuant to the *Manufactured Home Park Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 40;
2. An Order in relation to a rent increase - Section 36
3. An Order for the Landlord to comply - Section 55; and
4. A Monetary Order for compensation - Section 67.

The Landlord and Tenants were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Does the Act apply to the dispute?

Background and Evidence

The Landlord states that on October 26, 2019 the Parties entered into an oral agreement for the Tenants to rent a parking space on a driveway at the back of a residence. The Landlord states that the rent was to be \$100.00 payable on the first day of each month and that a deposit of \$35.00 was collected. The Landlord states that it assumed that the Tenants rented the space for a car but that the Tenants arrived with a type of van/camper/RV (the “Van”) that required more space, so the Landlord increased the rent of \$150.00. The Landlord states that this space is not located in a mobile home

park, is not a mobile home site, and that the Van is not a mobile home. The Landlord states that there are no other similar vehicles parked in the driveway.

The Tenant states that the rented space is located in a parking lot behind a store. The Tenant agrees that it is not a mobile home park and that the space is not a mobile home site. The Tenant describes the Van as a motor home meant to be driven.

Analysis

Section 2 of the Act provides that the Act applies to tenancy agreements, manufactured home sites and manufactured home parks. Section 1 of the Act provides as follows:

- **"manufactured home park"** means the parcel or parcels, as applicable, on which one or more manufactured home sites that the same landlord rents or intends to rent and common areas are located;
- **"manufactured home site"** means a site in a manufactured home park, which site is rented or intended to be rented to a tenant for the purpose of being occupied by a manufactured home;
- **"manufactured home"** means a structure, other than a float home, whether or not ordinarily equipped with wheels, that is
 - (a) designed, constructed or manufactured to be moved from one place to another by being towed or carried, and
 - (b) used or intended to be used as living accommodation.

Regardless of whether there is an agreement between the Parties to park the Van, given the undisputed evidence that the space rented for the Van is not a manufactured home site in a manufactured home park and that the Van is not designed to be towed or carried, I find that the Act does not apply to the dispute.

Conclusion

The Act does not apply to the dispute.

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

Dated: April 07, 2020

Residential Tenancy Branch