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# Mobile-park tenant wins victory in B.C. Supreme Court

By [Charlie Smith](#)

A B.C. Supreme Court judge has ruled that the Residential Tenancy Branch couldn't decline jurisdiction in a case involving a tenant in a mobile-home park.

In [oral reasons for judgment](#) issued last October 31 and posted on the B.C. Supreme Court Web site on December 31, Justice **T. Richard Brooke** overturned an earlier decision by a dispute resolution officer.

The officer, **Anne Marie Lafleur**, had previously ruled that the petitioner, **Dolores Irene Lang**, was not covered by the Manufactured Home Park Tenancy Act because she held nothing more than a licence to occupy.

Illahie Beach RV Park Inc. owns the park, which is in Summerland in the Okanagan.

In 2008, Lang paid \$30,000 to buy a manufactured home that had been on the site for 10 years, according to the decision.

Lang paid monthly rent of \$300 and was billed for hydro use.

Last July, Illahie Beach issued an eviction notice, claiming that Lang had allowed an "unreasonable number of occupants in the site" and had "significantly interfered with or unreasonably disturbed another occupant or the landlord", putting the property at "significant risk".

Lang applied under the Manufactured Home Park Tenancy Act for dispute resolution through the Residential Tenancy Branch.

Lafleur rejected Lang's application because Lang only held a licence to occupy the site.

Brooke declared in his decision that Lafleur's decision to decline jurisdiction was neither reasonable nor correct.

"Clearly, the recreational vehicle or manufactured home of the petitioner is a manufactured home within the meaning of the definition of the Manufactured Home Park Tenancy Act," Brooke wrote. "Equally clearly, the RV park is a manufactured home park within the meaning of the definition of the Manufactured Home Park Tenancy Act."

Brooke remitted the case to the director of the Residential Tenancy Branch and awarded Lang costs of \$490.