

33. Ending a Manufactured Home Park Tenancy Agreement - Landlord Use of Property

Jun-18

This policy guideline is intended to guide Residential Tenancy Branch staff and the public in understanding jurisdiction of the Director appointed under the Residential Tenancy Act or the Manufactured Home Park Tenancy Act. This policy guideline may be revised and new Guidelines issued from time to time.

A. LEGISLATIVE FRAMEWORK

Under section 42 of the *Manufactured Home Park Tenancy Act*, a landlord can end a tenancy agreement for landlord use if the landlord 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. The landlord must have all the necessary permits and approvals required by law before the notice to end is issued.

Significant Part

“Significant part” means “consequential”, “considerable”, “material”, “noticeable” and “important”¹. An arbitrator may consider the size of the redevelopment or conversion, and its size in relation to the park as a whole. A landlord cannot use this provision to end an individual tenancy under this part unless the park contains one site or one occupied site where the landlord plans to convert to another use. A landlord cannot end a tenancy on a site that is not part of the redevelopment or conversion, unless the site must be vacated for the redevelopment or conversion to proceed.

B. COMPENSATION

A landlord who gives a notice to end tenancy to a tenant must pay the tenant \$20,000 on or before the effective date of the notice. A tenant may make an application for additional compensation equal to the most recent assessed value of the tenant’s home minus \$20,000, if:

1. The manufactured home is not capable of being moved before the tenant is required to vacate the manufactured home site at the end of the tenancy; and
2. The most recent assessed value of the manufactured home, as determined under the [Assessment Act](#), is greater than \$20,000.

To meet the first requirement, a tenant must prove:

1. They are not able to obtain the necessary permits, licenses, approvals or certificates required by law to move the manufactured home; or
2. The tenant is not able to move the manufactured home to another manufactured home site within a reasonable distance of the current manufactured home site; and
3. The tenant does not owe any taxes in relation to the manufactured home.

A tenant should be able to provide evidence showing what steps they took to obtain any necessary permits or approvals that may be required by the [Manufactured Home Act](#), or a local government and why they could not be obtained. For example, section 15 of

¹ See **Stelco Inc. v Ontario** (1994)115 DLR(4th)437 @ 439, Ontario Court – General Division, approved on Appeal(1995)126 DLR(4th)767, and **R v Dupuis** (1998) 174 Sask. R 17

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that Act sets out requirements to move a manufactured home. If a tenant is unable to meet those requirements, they should provide evidence of what steps they took to meet the requirements and why they were unable to do so.

If a tenant can't move their home because another manufactured home site within a reasonable distance is not available, the tenant should be able to provide evidence that they took steps to find another manufactured home site and were unable to do so. Steps might include contacting manufactured home parks, asking if they have sites available and requesting written confirmation that no sites are available. This written confirmation would be evidence the tenant could rely upon at the hearing. What is a reasonable distance depends on the circumstances. In determining whether an available site is a reasonable distance, an arbitrator may consider:

- Whether it is in a different community
- The distance from the current site
- Geographic barriers

The tenant must prove there are no outstanding taxes on the manufactured home. Proof will depend on the location of the home and the responsible taxing authority. Some taxing authorities may issue a certificate; others may issue a written statement.

If a tenant is unable to move their home in the above circumstances, the abandonment provisions set out in Part 6 of the Manufactured Home Park Tenancy Regulation apply. A landlord may pursue a claim against a tenant for outstanding rent or fees, but may not claim reimbursement from the tenant for costs to remove, store, advertise or dispose of the property and a search required to comply with s. 37 [notice of disposition].

C. ADDITIONAL COMPENSATION

A landlord must take steps to accomplish the stated purpose for ending the tenancy within a reasonable period after the effective date of the notice. If they do not, they are required to compensate a tenant the equivalent of 12 months' rent or \$5000, whichever is greater, unless excused by an arbitrator in extenuating circumstances.

See [Policy Guideline 50](#) for information on extenuating circumstances.

D. CHANGES TO POLICY GUIDELINE

Section	Change	Notes	Effective Date
A	am	Reference legislative framework	2018-06-06
B	new	Sets out compensation provisions for ending tenancy	2018-06-06
C	new	Sets out compensation payable if landlord does accomplish stated purpose	2018-06-06

Change notations

am = text amended or changed

del = text deleted

new = new section added