

BCMHO.ca

Advocating for sustainable and affordable Manufactured Home Communities in B.C.

ANNUAL REPORT 2024



BCMHO at the Residential Tenancy Branch

BCHMO executive took the 3 issues prioritized by the Legislative Committee to the RTB Stakeholder's Group in Sept. 30.

- Homeowner compensation in case of park sale and redevelopment
- Assignment and Subletting Review
- Eviction Notices Report



Homeowner Compensation

The Manufactured Home Park Tenancy Act (MHPTA)

Mandates that homeowners navigate a cumbersome two-step to receive the assessed value of their home when the park it is located in is sold and the home cannot be moved.

- First, they can claim up to \$65,000.
- The 2nd step of the process is to start a dispute at RTB for the rest of their assessed value. What other homeowner must do that?

Timing laid out in the Act ensures that

- The assessed value has plummeted by the time the park owner is required to pay,
- the homeowner does not receive payment in enough time to purchase or rent other accommodation.



BCMHO wants:

- 1) The MHPTA to mandate that park owners have a close-out policy and compensation plan in place should the park be closed. The plan should include:
 - Time frame for notice to the residents and details of the purpose of the closure;
 - Comprehensive plan of compensation
 - Assistance in finding alternate accommodations for residents.

- 2) The Province to pass legislation requiring municipalities to adopt bylaws for manufactured home parks outlining notice requirements and compensation plans that must be in place prior to the filing of redevelopment or rezoning applications of a manufactured home park.

Assignment and Subletting

Assignment

- The RTB-10 form transfers the existing tenancy agreement, park rules and current rent amount from seller to buyer, ensuring the new homeowner is treated equally with others in the park.
- When used as prescribed in the MHPTA, the RTB-10 procedure is fair to all parties, buyer, seller and park owner. Only under limited specific conditions can the landlord deny consent to the assignment of lease and delay the sale of the home.
- However, unless the home seller uses the form, the sale can be undermined. Park owners would prefer this system to disappear.

Subletting

- The Act permits the subletting of a manufactured home only if it is authorized by the park owner in the tenancy agreement– giving the park owner control.



This prevents homeowners from protecting their home when they are away in the way that serves their needs.

BCMHO wants:

Assignment

- Mandatory and automatic use of the RTB-10 form.

Subletting or house-sitting

- Removal the requirement for the park owner's approval for subletting or house-sitting
 - a sublet or house-sit in the owner's absence gives the homeowner peace of mind that their home is being properly cared for. There is no danger to the park owner as the homeowner remains the tenant of the park owner and is responsible for rent payments and is liable for any breach of the tenancy
- However, a process to enable park owners to be informed about the subletters or house sitters would probably increase for park owners' peace of mind

Evictions

- Over the past year, 36 of our members report eviction being used as a threat for no reasonable cause.
 - Eviction cases brought to RTB in bad faith are on the rise.
 - This shows a pattern of coercive behaviour supported by legal action.
 - The RTB process suffers from inbuilt structural unfairness:
 - Park owners are represented or accompanied by lawyers; homeowners usually are not.
 - Inadequate numbers of legal advocates to help homeowners.
 - RTB Arbitrators aren't always experts in the MHPTA
 - Short timelines in the ACT are unfair for MHOs. Because
 - Impossible to sell or move a manufactured home within 10 days.
 - 5-day window to contest eviction is too short for people living in remote communities without dependable mail or internet service.
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BCMHO wants

- RTB non-refundable \$300-500 fee to initiate an eviction process under sections 39 and 40 of the Act
- Require proof of good-faith attempts at conflict resolution prior to approval of an eviction notice.
- The time periods regarding the end of tenancy, payment of rent owed, and time should be extended.
- Revise MHPTA Sections 48, 49.1 and 50 to reflect the reality of eviction cases in Manufactured Home Parks.
- Significantly increase time limits so homeowners can gather information and evidence to adequately prepare for a review. Suggested time limits to be minimum 30 days – 60 days.
- Include provision in the MHPTA and MHPTRs which outline fair practice when all appeals are exhausted that reflect the reality of Manufactured Home Park tenancies, including framing writ of possession, bailiff intervention, MH sale, MH removal.

**These items, as well as the abolition of the
proportional rent increase, were presented in
September and will be discussed in greater depth at
the January RTB Stakeholders Meeting**

Success in May 2024

Changes to Park Rules

- RTB-56A is now the official form park owners must use to change park rules. It includes:
 - Stipulations about readability
 - All changes must be clearly noted in the same notice
- Park rules can be changed no more than once per year
- Park rules must be reasonable and do one of the following:
 - Promote the convenience or safety of tenants,
 - Protect and preserve the condition of the park or the landlord's property, Regulate access to a service or facility, or
 - Regulate pets in common areas.



Ongoing challenges... for the Housing Form

- **Frustrated sales (park owner refusal to sign form 1097)**
 - Revised form 1097 contains clause that could be used as an end run around the RTB-10 assignment form.
 - Park owners refusing to sign forcing sales at below assessed value
- **Real Estate Investment Trusts (REITS)**
 - Trying on a rule forcing homeowners to give park owner “first refusal” on a sale
- **The goal to replace owners with renters in manufactured home communities, then redevelop the land**

... and for homeowners

Over a 13-month period between Oct 2023 and Nov 2024 we received 228 queries—(approximately 4 per week) from members. Some of these, below

Park owner/manager intimidation	13
Frustrated Sales (1097)	16
Park rules	23
Poor park maintenance, disrepair	11
Illegal rent increases	13
FN Parks (fees, rent increases)	5
Evictions (bad faith, abusive)	15
Fees (illegal and inappropriate)	9
RTB-10 / MH assignment (sales)	8
Proportional rent increase	9
Redevelopment/conversion (issues)	10



As well as support these homeowners, BCMHO communicates regularly with government

- Residential Tenancy Branch Operational Policy Stakeholders Group meetings
- Letters to Federal and Provincial Ministries of Housing, Residential Tenancy Branch, financial and land use bodies
- Outreach to the Union of BC Municipalities

And other organizations such as

- Manufactured Home Park Owners Alliance of British Columbia
- BC Real Estate Association
- Partner Associations





Thank You

In times of great change, a small volunteer board and 400 members

out of the tens of thousands of manufactured home owners is a tiny voice —especially considering the size and wealth of some of the entities involved.

To be effective, BCMHO needs to grow

- connect with the more MHPs around the province
- increase membership
- connect with a network of legal advocates
- lobby government
- build relationship with financial institutions and allies



Staff could help us achieve these things

An Executive Director could:

- **Connect with the many MHPs around the province, building relationship with park owners and home owners.**
- **Promote the BCMHO's major concerns with Housing Ministries of provincial and federal governments, realty organizations, Union of BC Municipalities, etc.**
- **Represent BCMHO at RTB as necessary**

A Member Advocacy Director could:

- **Respond to member concerns by providing accurate advice, empathic support and additional resource information,**
- **Connect with tenant advocacy groups to help build a network of advocates around the province that specializes in the MHPTA, as well as real estate, co-operative and business law.**
- **Represent BCMHO at RTB as necessary**

