



Active Manufactured Home Owners Society

Promoting Sustainable and Affordable Manufactured Home Communities in British Columbia

BCMHO Quarterly Newsletter May 15, 2024

Manufactured home owners are property owners who pay property taxes on their homes but not on the land. Many of us invest considerable sums to maintain, upgrade and improve our homes. While we lease land and services from the park owner, we are not tenants in the true sense because we have a financial interest in our homes and the environment in which our homes are located. For this reason, we refer to park owners, not landlords and home owners, not tenants.

New Provincial Regulations Improve Fairness regarding Park Rules

It has been common for us to hear from our members about park owners changing park rules multiple times in the year, making rules that seem directed at particular home owners, or placing unreasonable requirements on home owners for upgrades.

On April 30, 2024, the Provincial Government passed new regulations about park rules that will put a stop to these kinds of behaviours and support changes that BCMHO has been requesting for two years.

The new regulations make clear that park rules need to be reasonable and do one of the following things:

- 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.

Park rules cannot breach the Manufactured Home Park Tenancy Act (MHPTA) or important terms of a tenancy agreement. Park rules are legal only if they apply to all tenants in the park and are clear enough that tenants know how to comply with them.

The table below shows the changes that have been enacted:

	Before Amendments	After Amendments No Park Committee	After Amendments Park Committee *
Frequency of Changes	There is <u>no limit</u> on how often a landlord can change park rules.	A landlord can change park rules <u>once per year</u> .	There is <u>no limit</u> on how often a park committee can change park rules.
Approval of Notices	A landlord can give notices	A landlord can give notices	A landlord can give notices

Amount of Notice for Changes	A landlord must give <u>two weeks' notice</u> of park rule changes.	A landlord must give <u>three months' notice</u> of park rule changes.	A landlord must give <u>three months' notice</u> of park rule changes.
Format of Notice for Changes	The notice of park rule change must be given <u>in writing</u> .	The notice of park rule change must be given on a <u>form approved by the RTB</u> .	The notice of park rule change must be given on a <u>form approved by the RTB</u> .

*** A park committee is formed under Sec 31 of the Manufactured Home Park Tenancy Act and is composed of the Landlord and Tenants. If there is a park committee then, by agreement with both landlord and tenants, changes can be made anytime.**

Hand written park rules are no longer valid. Changes to part rules MUST be completed on a proper RTB form, the RTB-56A form if the park has no committee, or the RTB-56B form if there is a park committee. Rules must be a minimum of 12 pt. font size.

Compensation in case of Park Sale / Redevelopment

BCMHO has received several queries lately about compensation in the case of parks being sold for re-development. There have been increasing numbers of such sales due to housing pressures and government pressure on municipalities to densify.

In 2018 a provincial government task force made several changes to the Manufactured Home Park Tenancy Act. One change was home owners are to receive a 12-month notice before the move out date.

The Act specifies a payment of \$20,000 for moving expenses (as we know, not enough). If a home cannot be moved, the home owner can eventually obtain the assessed value of the home by applying to the RTB for dispute resolution to request additional compensation in the amount of the assessed value of the home minus the \$20,000 compensation. The problems with these arrangements are that:

- The homeowner must start dispute resolution process, instead of the Act simply specifying reimbursement of the assessed value of the home. This is unfair to home owners.
- The RTB process can be lengthy and may not be resolved before the homeowner has to move. This makes it hard for the home owner to find and pay for a new home.

So there is a process to ensure people are adequately recompensed, but it is cumbersome, inadequate and needs changing.

The BCMHO board has been in communication with both the Minister of Housing and with the RTB Executive Director and has been invited to send a couple of representatives to attend a meeting with the RTB Executive Director soon to discuss these concerns. We will be using an excellent report created by our Research, Regulations and Legislation Committee to inform this meeting.

So change is likely to come—slowly. In the meantime, if you think your park is going to be redeveloped, follow this strategy:

- If you have received a notice of park redevelopment or closure, immediately start a dispute resolution process with the RTB, and get all your neighbours to do so, too.
 - If you have NOT received a notice, contact your local municipal government, to find out what bylaws or policies they have concerning redevelopment of manufactured home parks.
 - If they have a bylaw or a policy, make sure it commits the landowner to paying, at minimum, the assessed value of each manufactured home.
 - If the bylaw or policy doesn't commit the landowner to paying at least the full price, meet with Municipal staff and then make a presentation to Council to change it so it does.
 - If they don't have a bylaw or policy, meet with Municipal staff, and make a presentation to Council about the need for such a bylaw. Good examples of such quality by-laws regarding redevelopment can be found in Kelowna, Township of Langley; Coquitlam; Sooke; Surrey; Maple Ridge; Langford and a few others. Langley stands out.
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Research, Regulations and Legislation Committee

This committee has been meeting frequently since January and have created 3 reports:

- Needed legislative changes regarding Park Redevelopment
- Assignment and Subletting Review
- Eviction Notices Report

The BCMHO board is using these reports to further discussions with authorities.

Mortgage Financing Challenges

Several people have been reporting that they are unable to sell their homes because their landlord has refused to sign a 1097 from the bank giving a mortgage to the new owner. This frustrated the sale and, in some cases, caused substantial financial loss for the homeowner.

In essence, this form is intended to ensure the bank has access to the home to sell it, and to protect the bank from liability for unreported costs. It also has a clause about assignment of the lease from the old owner to the new one.

The Manufacture Home Park Owner's Alliance (MHPOA) points out that the lease assignment clause goes against the Manufactured Home Park Tenancy Act, which mandates site lease transfer using the RTB 10 form. Also, several of the 1097 form's clauses leave the park owner with rental arrears and other potential costs for a prolonged period of time—more than 3 months, in some cases.

It should be noted that credit unions use a different form that isn't so problematic—so check your local credit union for financing.

your local credit union or bank. We have been meeting with MHPOA and the BC Real Estate Association over the past months and will be meeting with the Canadian Bankers Association about this issue. Recently we reached out to the Office of the Superintendent of Financial Institutions because banks are regulated federally. It is likely that we will prevail and change this form and associated banking practices, but like everything else, the change will be slow. So one of our big challenges on this file is to get the park owners to find a new strategy for opposing the use of the form that doesn't damage our members.

Special General Meeting June 15, 2024

The BCMHO board has decided that five board members isn't quite enough to manage all there is to do and effectively delve into all the issues we are facing. So we are holding a Special General Meeting on June 15, 2024, to change our bylaws to increase the number of board members from five to seven.

Coordinates for the meeting are below:

Special General Meeting, June 15, 2024, 10:30 AM VIA ZOOM

Contact us through bcmhoinfo@gmail.com to receive the zoom URL

Share this newsletter with your neighbours! Either print it and post it on a community bulletin board if there is one or send it to your neighbours' emails. Encourage them to join us. The more we are, the stronger we will be and the louder our voice!

BCMHO membership is free! While we are completely volunteer run, so we don't pay salaries, we do have expenses — maintaining the website to answer your questions, keeping our email services up to date and hosting our newsletter. Please consider making a donation to help keep us going. Thanks in advance

Visit our website at bcmho.ca or Email us at bcmhoinfo@gmail.com

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