

PENTICTON & DISTRICT MANUFACTURED HOME OWNERS ASSOCIATION  
NEWSLETTER

PO BOX 22020, PENTICTON, BC, V2A 8L1

Website: [pdmhoa.ca](http://pdmhoa.ca)

April 2015

Visit of Isobel Mackenzie, Seniors Advocate for BC

This newsletter is going to print the week that Isobel Mackenzie is arriving in the Okanagan Valley. Thanks to Country Pines Park Rep Gloria L. for contacting the Office of the Seniors Advocate last fall and inviting her to visit. Premier Clark appointed Mackenzie to this new position in March of 2014 making BC the only province having such a post. Issues that fall under her mandate are Health Care, Personal Care, Transportation, Housing, and Income Supports. Obviously we're most interested in sharing concerns about senior housing in manufactured home parks.

By the time you read this newsletter, you will have hopefully attended the Town Hall meeting at Shatford Centre on April 22nd from 1-3 p.m. Ms. Mackenzie wants to know what are the burning issues here in the South Okanagan in relation to senior concerns. The following day a delegation from P&DMHOA will be meeting privately with Ms. Mackenzie with a focused presentation entitled "Affordable, Secure Housing for Seniors in Manufactured Home Parks." There will be detailed discussion of two samples from The Manufactured Home Park Tenancy Act and Regulations, which we won't go into here in the newsletter. However, we'll give you the rest of the report, which will be summarized in the oral presentation.

Go ahead and fix yourself a cup of coffee or tea and I'll head over to page 2 where we'll start using columns for ease of reading the report. Pardon the occasional abrupt transitions, but one of the key wordsmiths of the report also is doing this newsletter in crunch time. Consider the following an existential rendering of our between-world state as homeowners on rented land.

Before we launched into creating this report, we wondered how many of our 43 South Okanagan-Similkameen parks were 55+ and found 19 with a total pad count of 1,114 out of a total of 2,080 for our Association's region. There are also seniors in Adults Only parks, so seniors constitute well over half our manufactured home park tenants.

ANNUAL GENERAL MEETING on May 29th starting at 1:00  
at the Royal Canadian Legion, 502 Martin St., Penticton  
All residents of manufactured home parks are invited.

Refreshments will be served after the meeting with opportunities to engage with  
Directors, Park Reps, and neighbours sharing information and concerns.

## Summary

We seek affordable, secure homeownership for all, especially seniors, in manufactured home parks that provide benefits to both homeowners and landlords on an equitable basis.

We offer to work in partnership with the provincial government and landowners to improve the Manufactured Home Park Tenancy Act and Regulations that currently give overwhelming attention to preserving landowner investment and lack awareness that homeowner investment can be at extreme risk plus homeowners can have extended liabilities.

Our Association has over 25 years of indepth knowledge of the Act & Regulations plus casework experience with the Residential Tenancy Branch.

We propose meetings between the provincial government, landowner representatives, and our homeowner associations to overhaul the Act & Regulations to address the realities of the 21st century. This will help the government rule wisely, landowners operate fairly, and homeowners live peacefully.

The report that follows details examples that adversely affect manufactured homeownership. Attached is *Housing on Rented Land Tenancy Act*, which our Association supports as a comprehensive analysis of changes urgently needed. The only way the needs of landowners and homeowners will be more equitably met will be when each understands the position of the other and with the help of government all work together to create new legislation that addresses critical issues in manufactured homeownership on rented land.

## Introduction

Our organization, the Penticton & District Manufactured Home Owners Association, and our members are most pleased at the creation of the position of Seniors Advocate by the Provincial Government of BC. We believe your appointment to the position will have a positive influence on the well-being of many of our members in all the areas within the wide scope of your office's mandate. In our presentation today, we will focus on housing – specifically on seniors who live in mobile or, more accurately, manufactured home parks.

BC is increasingly the baby boomer retirement destination of Canada. With over 700,000 seniors in a population of 4.6 million, the numbers and percentage will continue escalating. The context of where seniors spend their latter years and the stability of their lives is also our Association's concern. A recent survey of 500 seniors around the province indicates the biggest fear of low- income seniors is

that they won't be able to stay in their homes. Manufactured homes on leased land – 1,100 parks in BC -- are often the choice of a variety of citizens, including seniors. There are distinct pros and cons to this choice of living, especially for seniors.

The **advantages** of manufactured home park (MHP) living are:

- the satisfaction of homeownership at a more affordable cost
- one-story living with direct access to yards and vehicles
- ownership of pets, if allowed
- freedom of landscaping for lawns, ornamental and food-bearing gardens and trees, space for workshops, and outdoor living areas thus keeping seniors active and in touch with their neighbours to whatever extent they desire
- befriending each other more frequently than in single-family homes, apartments, or condominiums, especially if in a 55+ MHP
- sense of security in parks that are compact and fenced providing a community-within-a-community atmosphere
- ease of socializing opportunities if there is a clubhouse on the premises
- often the ability of seniors to remain in their homes longer than other housing situations with the help of friendly and supportive neighbours
- increased comfort level of seniors in parks where owners' and managers' attitudes are appreciative.

### **Current challenges to manufactured home park living**

The **disadvantages** of manufactured home park (MHP) living are the omissions and gaps in legislation governing landlord/homeowner relations. We will focus on two particular areas.

***The Manufactured Home Park Tenancy Act and Regulations***, or what we'll call the Act & Regulations, for good park owners are sufficient and work reasonably well for both the landlord and tenants. However, for other owners, some sections of the Act & Regulations are ambiguous enough to allow them to take advantage of tenants in their parks and view them solely as a source of revenue. These owners attempt to maximize income from the park while reducing cost outlay regardless of the impact on tenants. Tenants who are seniors are often the most vulnerable to these tactics.

The Act that governs tenancies in mobile/manufactured home parks does not reflect the current reality that mobile homes are not really mobile. Yes, they are constructed off site and brought to their destination by vehicle, often in separate parts. However when located at their destination those parts are joined together permanently into one cohesive unit forming a home. To move it from that spot, it literally has to be sawn apart at the roof, walls, and floor and have the services disconnected before it can be moved. This is a difficult and expensive

process. **Actually once the home is located in a manufactured home park, it is intended to be there permanently.**

The Act does not reflect this reality. The premise behind the Act still reflects the days when one wished to relocate their mobile home all they had to do was hook up their truck and unplug the electrical cord and drive away to a new location.

### Examples of problematic content in the Act & Regulations

**The first example focuses on sections 42 & 44 of the Act** not reflecting the new reality of mobile homes that need reclassification as manufactured homes requiring a reconfiguring of the landowner/homeowner relationships. [details of Act & Regs omitted here]

Manufactured homes in parks are purchased by the tenants who thereby have a substantive portion of their equity invested in their homes. When a notice under section 42 of the Act is received, the value of the home, in most cases, is reduced substantially or in a vast majority of cases, becomes completely valueless. Many homes cannot be moved due to their age. Even if park space is available elsewhere, most park owners will usually only accept new homes. Therefore the tenants must leave their homes behind when they vacate unless they can find and afford land and infrastructure installation and arrange to have their homes moved within the allotted time.

If unable to relocate, one year of free pad rent does not even begin to compensate for any portion of their loss. To add insult to this fiasco, some park owners have charged the disposal/removal of an abandoned home back to the owner who has already lost his/her total investment. For some seniors, this can be a financial and emotional blow that reduces them to pauperdom for their remaining life.

Some park owners purchase manufactured home parks in or near urban areas with the intent to someday develop the land for other purposes. The tenants pay for the land that belongs to the owner through their pad rents, and when it is advantageous to do so, the owner can position the land for development. Tenants have no input and can lose all the equity in their homes with grossly inadequate compensation. Section 42 of the Act encourages such behaviour.

**The second example focuses on sections 28 & 32 of the Act** relating to pad rent increases at time of home sales. {details of Act & Regs omitted here}

What usually happens at time of potential sale of a manufactured home is that landlords will categorically and illegally withhold consent for maintaining current pad rent for a potential buyer and not stipulate one of the six accepted reasons for the decision. Change of ownership is

used as freedom to increase pad rent to any figure the landlord chooses thereby not only not abiding by provisions in section 28, but also ignoring section 36.

There is a process for requesting to assign the lease and pad rent to a new tenant wishing to purchase a home. The process requires the completion of a Tenancy Branch form **#RTB-10 Request for Consent to Assign a Manufactured Home Site Tenancy Agreement** (Exhibit 1). This form ostensibly governs the above procedure, but is an example of an option that doesn't usually translate into reality. This procedure is not well known to all parties involved and often ignored by landlords. Provisions in the #RTB-10 have to be seller-initiated, are not readily enforceable, and can interrupt potential sales. What follows is a detailed example of the routine uselessness of this document due to inherent failure of the Act & Regulations.

When selling a manufactured home, the last segment of the process is an interview where the park owner or their agent accepts the new tenant and approves the sale. If it is not approved at that point, one of the following things may happen:

- a) The seller and purchaser are advised the sale will be approved only if the new tenant agrees to an increase in the pad rent under section 36 (1) (c) and (2) of the Act. The amount of increase is usually substantial OR
- b) A completed form #RTB-10 is submitted and approval is delayed for a period of up to 10 days.

In the case of option a), all too often the seller and buyer are ignorant of the option to assign the pad rent using a form #RTB-10. If the purchaser agrees to the increase they are instantly locked in to the new pad rent under section 36 (1) (c) and (2) with no recourse. If the purchaser does not accept the increase, then the sale is terminated. The consequence of option a) to the seller is substantial. The sale is lost. There is likely no prospect of any other purchasers coming forward who would agree to a substantial increase in pad rent. The park owner, however, is in a no-lose situation as the rent continues regardless of who is the tenant.

In the case of option b), many park owners discourage the use of form #RTB- 10 and the prospect of assigning the lease, locking in the current pad rent. Some refuse to accept it. Requesting Dispute Resolution is not beneficial. By the time it is resolved, the offer to purchase has been withdrawn, due to the length of time it takes for a decision. And even if Dispute Resolution is successful, potential tenants are probably unwilling to move into a park under conflict with the landowner. The consequence to the seller of option b) is substantial. The loss of the sale, and no

prospect for a sale in the future under these same circumstances, is born solely by the tenant.

### Prior and proposed changes to the Acts & Regulations

There have been amendments to the Manufactured Home Park Tenancy Act & Regulations that appear to favour park owners. These landowners have a cohesive membership group from all areas of the province and we suspect that landowners may have undue influence with the government. Many of their association's members are familiar with representatives of government and have access to the Minister of Housing. The landowners of manufactured home parks have lawyers and accountants as resources in preparing submissions. This puts tenants at a severe disadvantage as we have no prior input to any discussions or changes regarding the rules that govern our tenancy. There must be a methodology developed that balances out the interests of both parties.

### Conclusion

The major disadvantages of MHP living are regulatory. This is something not generally known to would-be buyers. The Act & Regulations are intended to level the playing field, so to speak, between the landlord and tenant. Unfortunately this fails in many areas. Revisions and changes are not made with input from all the stakeholders: landowners, tenants' associations, and the government. The strength of the landlords' positions outweigh that of tenants. For seniors, this imbalance of power in the legislation results in terror of eviction and lack of understanding or fear of engaging in the arbitration options available to them.

***Housing on Rented Land Tenancy Act*** (Exhibit 2) produced by the Active Manufactured Home Owners Association is a comprehensive outline of the concerns manufactured home owners have with the current Act and Regulations of which we could only give a sampling in this report. The Penticton & District Manufactured Home Owners Association heartily endorses this document and encourages both you and the government to review it on a priority basis. It is a complete and accurate reflection of the current situation with homes on rented land and documents the case for required corrective action. We realize that consultation with all the affected parties towards an agreeable revision of the legislation will be onerous and time consuming. However, leaving tenants, especially senior tenants, who mostly have limited assets and income, vulnerable to a complete loss of their assets is untenable. We feel the areas outlined previously in this presentation require urgent attention, as the current critical level of vulnerability must be mitigated as quickly as possible.

In summary, a quotation from page 4 of this document says it all: “Compensation for homes due to park closures, rules and rule changes, assigning and subletting, rent increases, and lack of park maintenance, are the major causes of friction in parks. Under the MHPTA the home owner has no power to negotiate changes with the landlord so it falls [to] the provincial government to ensure that there is a balance to this power.”

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Thus ends our report to Isobel Mackenzie.

If you’d like to read some of the documents referenced in this report, they’re on our website: [pdmhoa.ca](http://pdmhoa.ca).

You’ll find *The Manufactured Home Park Tenancy Act* by selecting **Links** from the menu on the left. Scroll down to Act in red.

The Active Manufactured Home Owners Association entitled *Housing on Rented Land Tenancy Act* is available by selecting **New Tenancy Act** from the menu on the left. Note: This document details errors and omissions in the legal Act, but is not a legal document in itself.

*#RTB-10 Request for Consent to Assign a Manufactured Home Site Tenancy Agreement* is available under **Resources** from the menu on the left. Scroll to #5 and click on #RTB-10.

If you’d like further discussion about what’s happening or not happening in your park, contact your Park Rep:

Gerry in Pleasant Valley at 250-492-0267  
Michael in Marlyn Estates at 250-460-1090  
Carol in Tradewinds at 250-498-8427 OR  
Pat in Summokan at 250-494-7635  
Stan in Golden Arrow at 259-497-7929  
Marie in Gallagher Lk Vlg at 778-439-2259  
Keith in Holiday at 778-476-5456  
Dennis in Cherrywood at 403-601-3447

Merle in Dauphin at 778-476-1319  
Dianne in Sagewood at 250-499-2665  
Hazel in Tradewinds at 250-498-0088  
June in Boundary & Avalon at 250-495-2059  
Gloria in Country Pines at 250-498-2600  
Elaine in Burnaby Gardens at 778-476-5839  
Roy in Pines Village at 250-493-5279

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Do you have the 10th edition of the *BC Seniors Guide*? If not, call the Senior Advocate’s office at 1-877-952-3181 and ask for your free copy to be mailed to you. It’s 200 pages of valuable information.

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Penticton & Area Access Society (PAAS) offers information on tenant’s rights, disabilities assistance, etc. Call 250-493- 6822. Services are confidential & no cost.

**PENTICTON & DISTRICT MANUFACTURED HOME OWNERS ASSOCIATION**

2015-2016 Meeting Schedule

<b>May 29th 2015</b>	<b>ANNUAL GENERAL MEETING</b>	<b>Penticton</b>
Jun 12th	Executive Meeting (then summer recess until Sep)	Penticton
Sep 11th	Executive Meeting	Penticton
Oct 16th	Executive Meeting – newsletter pick-up	Penticton
<b>Nov 13th</b>	<b>General Meeting</b>	<b>Keremeos</b>
Nov 27th	Executive Meeting – volunteer appreciation luncheon	Penticton
Jan 8th 2016	Executive Meeting	Penticton
<b>Jan 29th</b>	<b>General Meeting</b>	<b>OK Falls</b>
Feb 26th	Executive Meeting	Penticton
<b>Mar 25th</b>	<b>General Meeting</b>	<b>Oliver</b>
Apr 22nd	Executive Meeting – newsletter pick-up	Penticton
<b>May 27th</b>	<b>ANNUAL GENERAL MEETING</b>	<b>Penticton</b>
Jun 10th	Executive Meeting	Penticton

**If you need more information:**

- Remember to check the P&DMHOA website at [pdmhoa.ca](http://pdmhoa.ca)
- If you scanned the Park Reps on the previous page and don't see your park listed, it might be time to contact the Association and volunteer to learn about serving in this role.
- Finally, you can also contact a Director of the Association handling your region. Calls accepted between 9 a.m. and 6 p.m. only, please.

**Penticton, Summerland:** Ray 250-487-1225

**Keremeos:** Dianne 250-499-2665

**OK Falls, Oliver, Osoyoos:** Hugh 250-498-0145

**Olalla, Princeton:** Rick 250-499-9034

**MEMBERSHIP**

If you respect and value the effort your neighbours in the South Okanagan and Similkameen are devoting to maintaining this Association, your \$10 membership is a small token of appreciation and investment in our shared future. Write and post the cheque today if you're not yet a member. Note: This is our sole source of income.

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**2015 Membership Form:** Renewal \_\_\_\_\_ or New \_\_\_\_\_ **Cheques payable to PDMHOA**

Mail to: P&DMHOA, P.O. Box 22020, Penticton, B.C. V2A 8L1

Name(s) \_\_\_\_\_

Unit # \_\_\_\_\_ Park \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Postal code \_\_\_\_\_

Phones: Home \_\_\_\_\_ Cell \_\_\_\_\_

Email \_\_\_\_\_