

Penticton & District Manufactured Home Owners Association

NEWSLETTER

PO BOX 22020, PENTICTON, BC, V2A 8L1
(P&DMHOA)

Website: pdmhoa.ca

October 2017

Incorporated on July 19, 1985 under the Society Act

YOUR VOICE FOR MANUFACTURED HOME OWNERS

This past year we received a growing number of serious concerns from Tenants.

We urge you to become knowledgeable about your rights under the Manufactured Home Park Tenancy Act (MHPTA) of BC to protect yourself from unforeseen events. Harmonious parks have changed overnight with new owners or managers who don't know the MHPTA or don't administer their park using the Act.

**** WHO is P&DMHOA? ****

This Association was incorporated on July 19, 1985 under the Society Act. For 32 years we have published newsletters twice annually in April & October to keep Tenants of MHP's aware of their rights under the MHPTA of BC. General Membership meetings are held quarterly in various communities, plus the Executive (Directors & Park Reps) meet an additional 7 times (see back page for dates and locations). We serve the RDOS area: Osoyoos to Summerland to Princeton having 47 parks. The Association is dedicated to keeping all tenants in MHP's up to date on changes that could affect them. We assist in disputes with Landlords/Managers, such as eviction notices; illegal rent increases; request for voluntary rent increases (never agree or sign); not administering park rules fairly; not complying with the MHPTA; bullying and harassing tenants and arbitrations.

We can only work with and act on existing members' behalf. We continually guide, advise, support and work with all our members, but only Association members are eligible for possible financial assistance in certain critical circumstances. **Anything you agree to in writing you are bound to, your rent can be increased by any amount. Be careful what you sign. Know your rights under the MHPTA**

KEREMEOS GENERAL MEETING at, Royal Canadian Legion Hall FRIDAY NOVEMBER 17, 1:00 PM

All residents of manufactured home parks are invited. Bring your questions, concerns for answers. Refreshments will be served after the meeting with opportunities to engage with Directors, Park Reps, sharing information, concerns and making new friends.

**This Newsletter copy is chosen to answer the most repetitive inquiries about concerns from many Tenants calling and emailing from many of the 47 parks we serve. You'll notice many of the topics were published in previous Newsletters.*

WHO OWNS AND MUST MAINTAIN TREES AT THEIR EXPENSE?

Trees in a MH park belong to the land, which the landlord owns and is responsible for maintaining at their expense to arborist safety standards. Section 26 of the Act confirms this. Tenants are not responsible for the trees on their pad and even if their park rules say so, it is not enforceable under the Tenancy Act. Your landlord can be taken to arbitration if they try to enforce the illegal park rule. This has been confirmed in Arbitrations.

WHO OWNS AND MUST MAINTAIN RETAINING WALLS AT THEIR EXPENSE? A Landlord must provide and maintain the manufactured home park in a reasonable state of repair, and comply with safety standards required by law and the manufactured home sites are included in the definition of a home park. The landlord has the responsibility to ensure the stability of the manufactured home sites, and their retaining walls at the landlord's expense.

TENANT DEATH OR BANKRUPTCY

The bankruptcy or death of a tenant affects the tenancy. A surviving spouse, an executor or administrator of an estate or a trustee of a bankruptcy, the law assigns the rights and responsibilities of the tenancy to that person. They do not sign a new tenancy agreement; they take over the existing one. Where a tenancy has been assigned in this way, the landlord's consent isn't needed. However, it's always good for the spouse, executor or administrator to inform the landlord of their involvement and keep the lines of communication open. There are no justifiable grounds for asking them to leave based solely on age restrictions.

IN THE EVENT OF DEATH OR DIVORCE OF A TENANT

If the Title to your home includes your spouse, you will want to amend it to your name only. You do not need the services of a Lawyer or Notary to do this. Simply take all of the relevant documents including the Death Certificate to your local Service BC Office and they will make the necessary changes, usually in less than a day. Joint Title to Vehicles, Boats, R.V.'s can be amended the same way.

The Tenancy Agreement (Form RTB-5)

This is a legal contract between you and the Landlord. The standard Tenancy Agreement is a form supplied by the Provincial Government Housing Ministry; however, the landlord may choose to use a form of their own design. Any term in an agreement that contradicts MHPTA will not be enforceable and is of no effect. If a landlord attempts to enforce a rule that contradicts the Act, a tenant may file for dispute resolution through the Tenancy Office. You should have a copy of your Tenancy Agreement; in fact the law requires that you receive a copy within 21 days of signing. Make sure you fully understand all terms of the Agreement before you sign it. Even if your agreement is not on the standard form, or you don't have one at all, the terms of the standard agreement are enforceable under the Act. You only sign One Tenancy Agreement.

A New Landlord cannot get you to sign a New Tenancy Agreement.

Use RTB-10 Form to Transfer Your Pad Rent to Your Purchaser

RTB-10 remains problematic relating to assigning current pad rent to buyers. Realtors often don't want to be bothered with the paperwork that can delay the sale. Sellers often don't know about or are unwilling to deal with the paperwork and procedures involved with the RTB-10. All this in despite a clause in the sales agreement for manufactured homes on rented land, refers to RTB-10 form.

This is a legal Provincial Government form the landlord must accept and reply to in writing within 10 days. If they do not, it is automatic acceptance. The landlord may only refuse the purchaser for the reasons listed on page 6 of the RTB-10 form. If consent is unreasonably withheld, you as seller can apply for an arbitrator's order to have the tenancy agreement assigned. If you do not use the RTB-10 form the landlord may raise the monthly pad rent to the purchaser to whatever sum they like, which can affect your ability to sell your home.

** If the landlord keeps increasing pad rents on home sales, eventually there may be enough higher rents in the park to go to arbitration and try to get all the pad rents in the park raised to the higher rents. This recently happened in two parks, \$50.00 a month in one and \$100.00 a month over two years, in another.

When you use the RTB-10 form to transfer your pad rent to the purchaser and they sign a ** new tenancy agreement this is a rent transfer only and it nullifies the sellers pad rent anniversary date. The purchasers pad rent cannot be increased till their anniversary date one year later. * * This has been verified in Arbitration.

Request for Consent to ASSIGN A Manufactured Home Site Tenancy Agreement (RTB-10)

(RTB-10) Means No Rent Increase For the New Tenant. Frequent rent increases can result in a landlord asking to have increased rent parity within the park for all tenants. The Landlord MUST reply in writing accepting the purchaser or with one or more of the Five Valid Reasons on the RTB-10 form to refuse the purchaser, this can avoid costly delays.

1. I strongly recommend that you follow all of these steps when you decide to sell your home.
2. Contact Landlord/Manager and arrange for an inspection of the outside of your property in preparation for the sale before listing your home.
DO NOT engage in any discussion with Landlord/Manager regarding the demands, but insist that they are given to you in writing. DO NOT ARGUE but INSIST that the repair request must be in writing and be signed and dated. **** Allowable repairs requests are only for safety issues. Those are mandatory and should be completed before listing your home ****
3. Contact a realtor to handle the sale of your home, inform the realtor that you want to use "Request for Consent to ASSIGN a Manufactured Home Site Tenancy Agreement (RTB-10)" form. Make it clear that you require them to assist with all aspects of the form including: completing all the prescribed steps of the form and the immediate physical delivery of the form to the Landlord/Manager, allowing enough time for Landlord/Manager to reply (10 days). Be sure that the Realtor understands that the delivery of the form does not include the Purchaser meeting with the Landlord/Manager, as laid out in Step 9. (Important Points)
If the Realtor will not agree to do this, do not use them!! Find a Realtor that will.

HOME OWNER'S AND AGENT'S RESPONSIBILITY CLARIFICATION

4. The Home owner completes section A to E on the form, with your Agent's assistance.
5. When an offer is made to purchase your home this form is sent to the purchasing realtor with the other documents required re acceptance of the offer.
6. The Purchaser completes Section F (two pages) and it is returned to you via your agent with their offer. If the purchasers have privacy concerns, TWO COPIES returned to you in a sealed envelope (One for you and one for Management).
7. If you are accepting the offer: it is your responsibility to oversee and ensure the immediate delivery of the completed form to the Landlord/Manager by the realtor.
8. Keep a copy of the completed form as a record re date of delivery to Landlord/Manager.

DELIVERY METHODS

9. If there is a Landlord/Manager in the same area as the park, your realtor should physically make every attempt to do an immediate deliver of the completed form (RTB-10) to the Manager/ Landlord, and recording date and time served. Do not email, fax or mail to Landlord/Manager.

If it cannot be physically delivered to the Manager/Landlord then immediately send it by Double Registered Mail, this will give you a confirmation of delivery. Once you have received delivery confirmation start the 10 day count to the acceptance date.

IMPORTANT POINTS

This form forces Management to Assign the Tenancy (Existing Pad Rent) to the purchaser without meeting the purchaser. Purchaser will contact the Manager/Landlord on 11th days after delivery of the FORM, **Not Before**, to arrange a date to sign the Park's papers. Have your agent advise the Purchaser's agent of the acceptance date. The form ensures that the Landlord/Manager must complete page 5 of the form and return it to home owner in 10 days with written reason and proof, for denying the request to accept the purchaser, or state has accepted the purchaser. If homeowner does not receive the form back from the Landlord/Manager, by the end of the time limit, **the tenancy is considered given.**

10. Five valid reasons for refusal of new purchaser:

1. Negative credit rating. This must include written proof of bad credit.
2. References indicate tenant is unlikely to comply with the tenancy agreement. This must include written proof.
3. Unlikely or unable to pay rent. This must include written proof.
4. Does not intent to live in the park.
5. Every reasonable effort has failed to contact references. This must include written proof including dates and times attempts were made to contact your references.

11. Quote from the form re instructions to Landlord or representative. "If home owner does not receive your response by the end of the 10th day, your consent to this request will be conclusively deemed to have been given".

www.rto.gov.bc.ca/documents/RTB-10.pdf Link that will allow you to Download and print the RTB-10 form.

Penticton & Area Access Society (PAAS)
209 - 304 Martin Street, Penticton

Toll free. 1-866-493-6822 • Phone 250 -493-6822

<http://accesscentre.org/>

This program offers information and assistance for those people living in the South Okanagan & Similkameen. Services are confidential and at no cost.

MHP tenants have utilized this service to a successful negotiation of Tenant's Rights:

Have you been given an eviction notice, is your landlord refusing to do repairs or threatening you in some manner?

People with disabilities:

Eligibility and applications for provincial and federal disability benefits; appeals, reconsiderations, and tribunals.

Small Claims, Debt & Human Rights Complaints:

We have skilled advocates who will listen, explain your legal rights and assist you to ask for what you need from a government agency, doctor, landlord or even a neighbour. We can help you make applications, assist you with forms, plan an appeal, accompany or represent you at a hearing and make referrals to other agencies.

Speaking up for yourself or having an advocate help you find your voice is important to everyone. We seek to empower women and men to ask for and receive what they need from government agencies and the community.

PAAC's regular drop-in hours in Penticton are 1 pm - 4 pm on Monday through Thursday, with no drop-in on the second Wednesday of each month. PAAC offers a separate advocate for outreach service in Oliver, Osoyoos, and Keremeos. Call (250) 535-1099. Also offers an outreach service for Summerland on Tuesdays. Call (250) 490-7101.

Another resource for finding advocacy support in BC www.povnet.org

P&DMHOA Website: pdmhoa.ca Please visit the Website frequently as it is updated often with valuable information pertaining to Mfg Homeowners. Upcoming Events, MHP Locations Park Size, Aerial View and Directions to the Park, News, Archived Newsletters, Resources, Links, RTB & AMHOA. Don't have a computer then ask a friend to bring the web site up and tour it with you. This web site is maintained thanks to our Webmaster Ray Bibby who no longer lives in a manufactured home park.

*If your park has NO **Park Rep** to collect your membership dues please fill out your membership application and mail it with your cheque Today! Thanks The more parks and tenants that join us the stronger we are to have our voices heard effecting beneficial changes for your protection and quality of lifestyle in your park! “Our Strength Is In Our Membership”*

*****Urgently Need Park Reps & Newsletter Delivery People*****
*****CALL the phone #'s on the back page for Information or to Volunteer*****

Princeton Has No * Park Reps or Newsletter Delivery people in 5 parks:

Lynnwood, Martin's Lake, Penryn, Pines and Taylor Mill.

Keremeos: Lucky R Has No * Park Rep or Newsletter Delivery. **Copper Ridge and Riverside Estates** Have No * Park Reps and Newsletter Delivery. **OK Falls**: Skaha Terrace Has No * Park Rep or Newsletter Delivery.

Ollala: Ollala, Ollala MHP & Campground, Stewart's, Victoria Pines and Whispering Pines Have No * Park Reps or resident Newsletter Delivery.

Oliver: Has NO * Park Reps or Newsletter Delivery people in, Country Pines at Gallagher Lake, Country Lodge and Weeping Willow.

Penticton: Figueira's, Holiday and Whitewater need * Park Reps and more resident Newsletter Delivery people.

*** If Your Park Has No Park Rep Mail Your Membership In TO DAY ***

SAFER – SHELTER AID FOR ELDERLY RENTERS

MH park tenants are eligible for this program. Pad fees are considered rent. If you are 60+ years old and your monthly gross income for singles is less than \$2,223, (\$2,423 for couples) and you pay more than 30% of it for pad rent, you may be eligible for rental assistance.

For information or an application, call BC Housing at 800-257-7756, check their website at www.bchousing.org or visit your local Service BC Office.

*** FORMS CHANGED FOR LEGAL MHP ANNUAL RENT INCREASES ***

RTB-11 has been replaced (Had to attach pass-through invoices).

RTB-11A and RTB-11F have replaced RTB-11 (Do Not Have to Attach any invoices to the new forms) (The Tenants must be provided access, via posting where all tenants can see, email, or given a copy if tenant requests, to a complete set of tax notices, local government levy invoices, public utility bills and assessment notices).

RTB-45 (No change) for raising pad rent according to standard allowable rent increase (2% + inflation) no pass-through's.

THE MEMBERSHIP APPLICATION IS ON THE BACK PAGE. IF YOU ARE NOT A MEMBER WE CAN NOT HELP YOU. IF YOU'RE PARK DOES NOT HAVE SEVERAL P&DMHOA MEMBERS WE CANNOT ENTER YOUR PARK TO HELP THE TENANTS.

P&DMHOA 2017/18 Meeting Schedule

Nov 17	General Meeting	Legion Hall	Keremeos
Dec 1	Executive Meeting		Penticton
Jan 5, 2018	Executive Meeting		Penticton
Jan 26	General Meeting	Legion Hall	OK Falls
Feb 23	Executive Meeting		Penticton
Mar 23	General Meeting	United Church Hall	Oliver
Apr 27	Executive Meeting - Newsletter pick-up		Penticton
May 25	Annual General Meeting	Legion Hall	Penticton
Jun 8	Executive Meeting - Summer Recess		Penticton

***** Save this Newsletter for future reference *****

*** * HELP IS JUST A PHONE CALL AWAY FOR MEMBERS: * ***

If you are a member of PDMHOA, you can call Ray 250-493-9106, Rick 250-499-9034, Dianne at 250-499-2665 for advice on how to proceed with your problem. Call Only Between 9:00 AM & 6:00 PM

MEMBERSHIP

Our only source of income is your membership fee. If you value the efforts of this Association, your \$10 annual membership is a token investment (less than three cents a day) in our shared future. **If you have No Park Rep please mail your Membership form and payments TO DAY.** Have a Park Rep you can give it to your Park Rep or mail to: P&DMHOA, P.O. Box 22020, Penticton, B.C. V2A 8L1. Cheques payable to **PDMHOA**
Thank you.

Thank you for your moral, financial and volunteer support for our association

2018 Membership (calendar year) Renewal _____ or New _____

Name _____

Unit # _____ Park _____

Mailing address _____ City _____

Postal code _____ Email _____

Home Phone _____ Cell _____

OUR STRENGTH IS IN OUR MEMBERSHIP. THANKS FOR JOINING.