

PENTICTON & DISTRICT MANUFACTURED HOME OWNERS ASSOCIATION NEWSLETTER

PO Box 22020, Penticton, BC, V2A 8L1

Website: www.pdmhoa.ca

October 2016

As we resume fall schedules and prepare homes and yards for winter, our unique situation often comes to mind. Owning homes on rented land can be a challenge and is the reason for our Association: “To promote and protect the rights and interests of the members of the Association as owners and dwellers in manufactured homes” is our #1 concern. This issue of our newsletter continues informing and educating residents of their rights as a means of supporting and strengthening the positions of all manufactured homeowners.

Our biggest news annually is sharing the provincial government’s ruling affecting ALL homeowners: the annual rent increase. **In 2017, the increase is 3.7%** (1.7% inflation rate + 2% bonus for landlords). There can also be additional increases for government levies and utility fees.

We’re including a wide range of topics in this issue – some new and some that are discussed in past newsletters. Please take time to read through this issue over a cup of coffee or tea and note the topics that might affect your position as a homeowner. Also please fill in the membership form on the last page. Our strength is in numbers of informed members. \$10 is the cheapest investment you can make in helping protect yourself as a member of a community of homeowners embracing the challenges of residing on rented land.

NEXT GENERAL MEETING

**Friday, Nov. 18th starting at 1:00 PM in Keremeos
at the Legion Hall**

All residents of manufactured home parks are invited, especially those from KEREMEOS, OLALLA, and PRINCETON. Refreshments will be served after the meeting with opportunities to engage with Directors, Park Reps, and neighbours sharing information and concerns.

Continued popularity of MH parks

The 47 parks in our region (Summerland to Osoyoos to Princeton) are continuing to regularly display For Sale and SOLD signs. Some parks have been sold, such as Sagewood in Keremeos now known as Ridge View Estates. All of this indicates continued interest in affordable living opportunities in our region. However, with the radical land value increases in the province, it's increasingly important for homeowners to have additional protection beyond the current provision of a year's free pad rent if a park is sold. For those interested, Penticton has provided such policy protection for park dwellers. (See our website, the City of Penticton, or contact a Director for details.)

In case of wildfires

There was a recent situation in OK Falls when a wildfire threatened a MH park. Danger was averted, but residents became aware of needing a phoning plan for emergency evacuation. They also realized some elderly residents might not hear a phone call at night and certain homes needed to be designated as places where physical contact was vital to prevent possible loss of life. All parks would be wise to devise such emergency notification procedures.

Tenant Death or Bankruptcy

Residential Tenancy Policy Guideline GL-19 states: "The bankruptcy or death of a tenant affects the tenancy. When someone is named as the 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 may choose to either continue the tenancy or give notice to end it.

Where a tenancy has been assigned in this way, the landlord's consent isn't needed. However, it's always good for the executor or administrator to inform the landlord of their involvement and keep the lines of communication open."

P&DMHOA Executive & Directors 2016/2017

President	Hugh Chown, Oliver
Vice-President	Rick Lousier, Ollala
Secretary	Merle Kindred, Penticton
Treasurer	Ray Nuttall, Penticton
Membership	Dianne Jackson, Keremeos
Director	Carol Freeman, Oliver
Director	Gerry Gilligan, Penticton
Director	June Clarke, Osoyoos
Director	Stan Smallenberg, OK Falls
Director	Elaine Chretien, Penticton
Director	Michael Slack, Summerland

New Sanitary Sewer Rates & Billing Procedure in Penticton

Over the summer, Penticton residents have been notified that sanitary sewer charges will be removed from property taxes and added to water bills. Letters to R-1 homeowners and newspaper announcements detailing arrangements for stratas, mobile home parks, and renters have been published. The City's monthly newsletter also had an article on the change in the September issue.

The latest word is that the City is now changing the calculation of sewer charges and a new letter with revised rules and calculations will be issued in October. There will also doubtless be media coverage. Our understanding is that because sewer service is NOT included in the tenancy agreements currently in effect, the 90-day notice period of the percentage increase rules does NOT apply. This is a new charge that park owners/managers and tenants need to work out. It appears that this change can be handled reasonably once we actually receive the revised calculations and rules from the City.

We'll be watching how all this gets negotiated in the months ahead.

Penticton & Area Access Centre

209 - 304 Martin Street, Penticton BC V2A 5K4
250-493-6822, Toll free 1-866-493-6822

www.accesscentre.org

The Access Centre is a useful resource when a homeowner requires assistance, information, legal help, or advocacy with landlord issues. There are also income assistance programs relating to disability applications, employment insurance, where to get food, debts, family and health matters, income taxes, and other legal information. Services are confidential and at no cost.

Tenant's rights: Do you need help dealing with an eviction notice? Is your landlord refusing to do repairs? Is your manager threatening you in some manner? Have you been given an illegal rent increase? PAAC can help. A number of MH park tenants have utilized the free legal advocate service for problems that can be solved with a letter all the way to successful negotiation in arbitration hearings.

People with disabilities: There is a disability advocate to help with eligibility assessment, applications for provincial and federal disability benefits, appeals, reconsiderations, and tribunals.

Small Claims, Debt & Human Rights Complaints: PAAC has skilled advocates who will listen, explain your legal rights and assist in asking for what you need from a government agency, doctor, landlord or even a neighbour. They help you make applications, assist you with forms, help plan an appeal, accompany or represent you at a hearing, and make referrals to other agencies, if necessary.

Speaking up for yourself or having an advocate help you find your voice is important. PAAC seeks to empower women and men in asking for and receiving what they need from the community and government agencies. This gives you more control over your own life in making choices and informed decisions.

PAAC's regular drop-in hours in Penticton are 1-4 pm, Monday-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.

PAAC also offers an outreach service for Summerland on Tuesdays. Call 250-490-7101.

The Tenancy Agreement (Form #RTO-5)

This is a legal contract between you and the park owner. 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 provincial law 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.

Use the 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 is despite a clause in the sales agreement for manufactured homes that makes reference to the RTB-10.

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 higher rents. This recently happened in a Summerland park.

Who owns and must maintain the trees?

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.

The Dispute Resolution process

If you're in a dispute with your landlord, the first step is to try to resolve it with them directly or through their appointed manager. If you cannot resolve it, as an Association member, contact us for assistance. (Contact information is on the last page of this newsletter.) Note: the Association helps only with landlord disputes, not with disputes between tenants.

The resolution of most landlord/tenant disputes is found in the Manufactured Home Park Tenancy Act and Manufactured Home Park Regulations. These documents are available on our website (pdmhoa.ca) or at any BC PAAC office (local addresses noted earlier in this newsletter).

To directly contact the Residential Tenancy Branch for Dispute Resolution, phone 1-800-665-8779 or email HSRTO@gov.bc.ca

Need Park Reps & Newsletter Delivery People – contact a Director to help

Princeton has no Park Reps or Newsletter Delivery people in any of the 6 parks: **Deblyn, Lynnwood, Martin’s Lake, Penryn, Pines, Taylor Mill.**

Keremeos: Lucky R has no Park Rep or Newsletter Delivery. **Copper Ridge and Riverside Estates** have no Park Reps but do have Newsletter Delivery.

OK Falls: Skaha Terrace has no Park Rep or Newsletter Delivery.

Ollala: Ollala, Ollala MHP & Campground, Stewart’s, Victoria Pines, Whispering Pines have no Park Reps or resident Newsletter Delivery.

Oliver: Tradewinds Estates, Country Lodge and Weeping Willow have no Park Reps or Newsletter Delivery. **Tumbleweed and Green Acres** have no Park Reps but do have Newsletter Delivery.

Penticton: Figuera’s, Holiday and Whitewater need Park Reps.

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 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.

You can determine if you qualify and about how much you may qualify for by using an online calculator. To find the calculator, use Google to search for “SAFER housing calculator”. This takes you to a webpage that describes the calculator. It has a link in the second paragraph that takes you to the calculator. Set it to “heat not included” in pad fees, assuming this is the case. For an application, call BC Housing at 800-257-7756, check their website at www.bchousing.org or visit your local Service BC Office.

Help is a phone call away:

If you are a member of PDMHOA, you can call Ray at 250-487-1225, Rick at 250-499-9034, or Dianne at 250-499-2665 for advice on how to proceed with your problem. Calls are accepted between 9:00 AM and 6:00 PM.

P&DMHOA 2016/17 Meeting Schedule

Oct 21	Executive Meeting - Newsletter pick-up	Penticton
Nov 18	General Meeting	Keremeos
Dec 2	Executive Meeting	Penticton
Jan 6, 2017	Executive Meeting	Penticton
Jan 27	General Meeting	OK Falls
Feb 24	Executive Meeting	Penticton
Mar 24	General Meeting	Oliver
Apr 28	Executive Meeting - Newsletter pick-up	Penticton
May 26	Annual General Meeting	Penticton
Jun 9	Executive Meeting	Penticton

***** Save this newsletter for future reference *****

MEMBERSHIP

Our only source of income is your membership fee. If you value the efforts of this Association and its volunteers, your \$10 annual membership is a token investment (less than three cents a day) in our shared future. Membership forms and payments can be given to your Park Rep or mailed to: P&DMHOA, P.O. Box 22020, Penticton, B.C. V2A 8L1. Cheques payable to **PDMHOA**. Please take a moment to fill out this form and mail it today.

2017 Membership (calendar year) Renewal _____ or New _____

Name _____

Unit # _____ Park _____

Address _____ City _____

Postal code _____ Email _____

Phone: Home _____ Cell _____

Thank you for your moral, financial and volunteer support for our Association.