

HALIFAX REGIONAL MUNICIPALITY

MOBILE HOME PARK ADVISORY COMMITTEE MINUTES

December 11, 2007

PRESENT:

Councillor Brad Johns
Councillor Russell Walker
Councillor David Hendsbee
Councillor Gloria McCluskey

REGRETS:

Councillor Krista Snow, Chair
Deputy Mayor Steve Adams

STAFF:

Mr. Kevin Warner, Development Officer, Subdivision &
Land Use
Mr. Andre MacNeil, Financial Consultant
Ms. Sharon Bond, Manager, Subdivision and Land Use
Mr. Gerald Hachey, Tenancy Board
Ms. Barbara Coleman, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 11:10 in the Councillors' Board Room, 4th Floor, City Hall.

2. **APPROVAL OF MINUTES**

MOVED by Councillor Hendsbee, seconded by Councillor Walker, that the minutes from October 16, 2007 be approved. MOTION PUT AND PASSED.

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

None

4. **MOBILE HOME PARK BYLAW**

4.1 **BY-LAW TERMINOLOGY - SHARON BOND/KEVIN WARNER/GERALD HASHEY**

Mr. Hachey gave a presentation on the above-mentioned topic. He had been hoping to come to the group today with good news about amendments to the *Tenancy Board Act* but the amendments that were proposed were not approved by the Provincial Government.

One of the most significant amendments that had been proposed was the way that the Tenancy Board currently deals with requests for rent increases for the Mobile Home Parks. The process is built on return of Mobile Home Park Owner's investment. If the Mobile Home Park Owner can show that their expenses have gone up and their return has not proportionately gone up, the Tenancy Board will allow the rent increase. The Mobile Home Park Owner must be able to maintain the same return on their investment as they have maintained the year before.

Rent is more regulated in Mobile Home Parks more than apartments because it is not easy to get up and move a Mobile Home as it would be to move to another apartment.

The test that the Tenancy Board applies to a rule when challenged is:

1. is the rule evenly applied,
2. is it reasonable,

3. It must protect the landlord's property and must protect the well-being of the tenant.

If the rule can pass these tests; and where other jurisdictions apply such as *Human Rights Act*, their tests, then the Tenancy Board will allow the rule.

Discussion ensued and some concerns were noted:

1. *The Tenancy Act*, when republished, should contain a notation that all sections of the Act could apply to Mobile Home Parks, not just the last few pages of the Act.
2. Expenses that a Mobile Home Park Owner incurs in one of his parks are flowing over into his other parks and the rents are going up in all parks accordingly rather than just the park that the expenses occurred.
3. Mobile Home Park Owners must provide annual fillings with the Registry of Joints Stocks and a person can check to see that the return on the investment justifies the rent increase. If not, they can apply to the Tenancy Board to the rent increase reviewed.
4. The Mobile Park Home owners must meet the Municipal Standard of Service. Such services are plowing, road maintenance. A municipal representative can go out and investigate a complaint by a tenant and if the Mobile Park Owner, if in default, can be made to correct the problem.
5. Should a tenant have an issue with a Mobile Park Home owner that can not be worked out, then they can make an application to the Tenancy Board to pay their rent to the Tenancy Board in trust until the issue is settled.
6. When decisions are made by the Tenancy Board, they are not used as binding decisions but are used for information purposes only. There is no consistency between different adjudicators in decision makings.
7. Fees that are charged on filing applications to adjudicate a case with the Tenancy Board have discouraged tenants from making applications to the Tenancy Board. Tenants are now combining appeals to save the costs of fees and if one section fails, then all fail.
8. If a tenant has been a tenant in a Mobile Home Park for more than a year, they have what is called a Secure of Tenure, meaning you can not be given a Notice to Quit by the landlord. The landlord must apply to the Tenancy Board. It is a higher standard of Protection than that of an apartment dweller would have. The burden of the cost of filing belongs to the Mobile Home Park Owner, not the tenant.
9. The Mobile Home Park Owner can not discriminate against a tenant for repairs such as new siding or a new roof. They can not be given a Notice to Quit for lack of these repairs.

At 11:52 Councillor Brad Johns retires from the meeting.

4.2 Tenancy Act Information Booklet for Mobile Home Park Owners

Due to loss of quorum this item was deferred to the next meeting.

5. STATUS SHEET

5.1 Information Report - Long Term Lease for Land in Woodbine Park

Due to loss of quorum this item was deferred to the next meeting.

5.2 Summary Sheets Outlining Highlights of Three Existing By-laws

Due to loss of quorum this item was deferred to the next meeting.

6. ADDED ITEMS

None

7. NEXT MEETING

The next meeting of the Mobile Home Park Advisory Committee is January 8, 2008 tentatively scheduled for 1.5 hours before Committee of the Whole session.

8. ADJOURNMENT

Due to loss of quorum the meeting was adjourned at 12:00

Barbara Coleman
Legislative Assistant