

A. G. KEMP & ASSOCIATES INC.

Serving, Educating, and Assisting Rental Housing Providers since 1997

Kemp's Korner

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Kemp's Korner is intended to provide you with current information about the residential rental industry specific to manufactured home communities and tips to help you increase your success in this challenging business. Each issue will include:

Did you know . . .

. . . what to do with that abandoned home?

Rent Increase Limit For 2027 is 2.2%

I've written about abandoned homes before; based on some recent calls/emails, time for a refresher. Also, the Abandoned Property provisions in the Manufactured Home Park Tenancy Regulation changed significantly in late 2025.

When is a home considered abandoned?

I get that question often. The answer is in the Regulation. You can decide a home is abandoned if rent has not been paid for at least one month and "the circumstances . . . are such that the tenant could not reasonably be expected to return to the manufactured home site." This includes the last tenant disappearing or passing away. It's important to know this decision is solely yours to make. Never rush into a decision a home is abandoned; the residents may be on a long vacation and didn't tell anyone, plus forgot to arrange for the rent to be paid. Do some "sleuth" work first.

You must keep the home on the site for at least 30 days after you decide it is abandoned. When you make that decision, you become responsible for its safety and security, so . . .

What are the first steps

. . . if you think the home might be abandoned and there is no one living in it, check inside (no notice of entry needed) to ensure appliances and water are turned off, windows secure, etc. Then change the locks and put a note on the door: "If anyone has a legal interest in this home or its contents, phone ____." In the unlikely event the tenants return, you can give them the key - and have a conversation about unpaid rent!

Keep a record of your time from this point. If you sell the home, you can add the cost of your time to all other expenses, including lost rent, and retain that amount from the sale proceeds.

What can you do with the home?

This is also your decision alone. You have these options:

1. If it is saleable for occupancy, you can sell it on site.
2. If it would be saleable for occupancy on site after renovations, you can choose to do the renovations and sell it.
3. you can sell it to be removed from the park as a residence.
4. you can sell it to be removed from the park for other use such as a workshop, tool shed, or chicken coop. You can sell the home for a dollar in exchange for the buyer paying to remove it and clean up the site.
5. you can demolish it to make the site available for a new home.

What are the Rules?

There are many and there are differences related to what you plan to do with the home.

General

- You may need to publish a Notice of Disposition.
- You will likely have to pay any outstanding property taxes on the home. (This is unfair; but my submission two government many years ago seeking repeal because a landlord can't control whether a tenant pays taxes was unsuccessful.)
- You must submit certain documents to the Manufactured Home Registry (BC government). Without these forms, new home owners on the site will be unable to register their home.
- You need to know about "personal value property."

Publish a Notice of Disposition

If the net value of the home will likely exceed \$1000, you must publish a Notice of Disposition in one local newspaper. Net value means what the home would likely sell for minus the "cost of removing, storing, and selling the home." I interpret the storage costs to be the equivalent of the lost site rent.

This Notice protects you from someone claiming several months after you have disposed of the home that they had a legal right to own it. The Notice states you have taken possession of the home and if anyone has a legal interest in the home, any vehicles, or items of significant value, they must file a claim with you within 30 days. You can publish this Notice any time after you decide the home is abandoned.

You only need to publish the Notice in one local paper for one day. This has been required since the Act came into effect in 2004. Today, there are areas where there is no local or regional newspaper. I suggested to a client in Kamloops that he publish it on a website such as used.ca or Facebook marketplace as the only viable alternative.

Take legal possession

That's legal possession as distinct from physical; you've already done the latter by changing the locks. You must submit an Affidavit of Abandonment and Sale. This Registry form #56 is confusing as it says on the same page that you have taken possession of the home and sold it to someone, when you've only taken possession at this point.

Although it's not in any law I'm aware of, the Registry will not accept a home being permanently kept by the Community Owner, so you need to be careful in what you write on the form. First you identify yourself as the person who took possession of the home. In Section 4, write an entity other than yourself of the Community (Park) to whom you "sold" the home. This could be the company name or business number of the Community or someone/thing else. Get this Affidavit notarized, but don't submit it yet.

Get a property tax certificate

You must submit this certificate to the Registry. If any taxes are outstanding, you must pay them to get the certificate. It would be terrible if a government missed an opportunity to collect taxes!

Sell the home on site

At least 30 days after you published the Notice of Disposition, you can arrange to sell the home. The net proceeds after deducting all your costs as above, advertising, real estate commissions taxes, and transfer fees, will likely be many thousand dollars. You must submit this net amount to the "administrator." This is the Unclaimed Property Society of BC, a non-government, non-profit society that donates unclaimed funds to the Vancouver Foundation.

You can retain the home and do any renovations or repairs, then sell the home as above.

Sell the home to be removed from the Community as a residence.

The purchaser would be responsible for removing the home, paying all costs, and leaving the site ready for a new home. The same rules apply for dealing with the net sale proceeds.

Sell the home to be removed from the Community for non-residential use

The home could be used for a workshop, tool shed, storage, or chicken coop, any use that doesn't include a person living in it. Often you can sell the home for a dollar in exchange for the buyer paying to remove it and clean up the site.

Demolish the home

The costs of demolition can be significant, particularly if it is more than about 40 years old, as it will likely contain asbestos. You cannot recover these costs of course, but you recover your site for a new home.

The Registry forms

In addition to the Affidavit of Abandonment and Sale and the property tax certificate, submit these forms to the Registry (you can take them to a ServiceBC office):

- Sale of the home – 1, 2, or 3 above. Transfer of Ownership (Form 28) and Bill of Sale (Form 30). Submit all the forms when the sale completes.
- Sale of home and removal for another use - Transfer of Ownership, Bill of Sale, and Non Residential Exemption (Form 59). Submit all the forms when the sale completes
- Demolition - Non Residential Exemption. Submit the form before or after demolition. You may need to submit it before demolition so you can get a demolition permit from the local authority. Note there are no fees payable if you submit the Affidavit and the Non Residential Exemption forms together.

Personal value property

Included in the changes to the Regulation last year was the addition of personal value property, defined as medical equipment, framed photos, or any property the tenant tells the landlord is of personal value. I don't understand why this was added, together with rules on keeping and disposing of personal value property if the tenant returns and claims it; of course unlikely to happen as the home has been abandoned.

You must keep personal value property for the same 30 day period and include it in the Notice of Disposition, e.g., personal photos and medical oxygen tank. If the tenant contacts you requesting the personal property, you can request payment of any monies owed you before releasing it.

Long before this provision came into effect, I advised landlords to keep personal items like photo albums for several months and if the tenant claimed them, require payment exactly as the law reads.

Final Note

While all this is reasonably comprehensive, as with any issue, if you are not sure of something or need advice phone or email before you make a decision. It's much easier for me to help you keep out of trouble than it is to help you get out of trouble – if possible.

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