

**Westbank First Nation  
Residential Premises Law No. 2008-03**

**MANUFACTURED HOME PARK REGULATION  
LOCAL PARK COMMITTEES  
REGULATION "C"**

**1. Interpretation**

1.1 In this regulation:

“**Law**” means WFN Residential Premises Law No. 2008-03, and amendments thereto,

“**local park committee**” means a local park committee referred to in section 71. of the Law,

“**park**” means a manufactured home park as defined in section 2.1 of the Law,

“**tenant**” means a tenant in a park who has entered into a tenancy agreement with the landlord of the manufactured home park.

**2. Notice**

2.1 A tenant or member of a local committee may request in writing that a landlord supply a list of the names and addresses of tenants if the request is for the purpose of giving a notice under this regulation:

(a) The landlord may charge a maximum of \$10.00 for the list of tenants;

(b) The landlord must supply the list within 2 weeks of receiving the request;

(c) A notice under this regulation is deemed to be given to a landlord or tenant 4 days after it is mailed to:

(i) the address given by the landlord or tenant, or

(ii) the address of the landlord or tenant at the park if no address is given under paragraph (i).

### **3. Establishment of a Local Park Committee**

- 3.1 To establish a local park committee under section 71. of the Law, the landlord or a tenant of a park must call a meeting of the tenants and the landlord to:
- (a) vote on whether to establish a local park committee; and
  - (b) if it is decided to establish a local park committee, to vote for the elected members of the local park committee.
- 3.2 The person who calls the meeting must give written notice of the meeting to each tenant and to the landlord at least 2 weeks before the meeting. The notice must:
- (a) contain a copy of section 71. of the Law and this regulation;
  - (b) set out:
    - (i) the purpose of the meeting;
    - (ii) the time, date and place of the meeting; and
    - (iii) name the person who is giving the notice.
- 3.3 The meeting may not be held unless the landlord and tenants representing a majority of the manufactured homes in the park are present in person or by proxy:
- 3.4 At the meeting:
- (a) the person who called the meeting must hold a vote to determine who will chair the meeting and who will keep minutes of the meeting;
  - (b) the elected chair must hold a vote on whether to have a local park committee, must hold an election for the elected members of that committee, and
  - (c) the person who keeps the minutes must turn them over at the end of the meeting to a member of the local park committee, if one has been established.
- 3.5 If the meeting is not held because of section 3.3 of this regulation is not fulfilled or if the proposal for a local park committee is defeated, 60 days must elapse before another meeting may be held to consider the establishment of a local park committee.

#### **4. Who Sits on a Local Park Committee**

4.1 A local park committee must consist of:

- (a) the landlord of the park or an individual nominated by the landlord; and
- (b) not fewer than 2 and not more than 5 tenants who ordinarily reside in the park.

#### **5. Voting at Meetings of Tenants and Landlord**

5.1 This section applies to a vote at a meeting to establish a local park committee under section 71. of the Law:

- (a) a person may vote in person or by proxy;
- (b) only one tenant of each manufactured home pad is eligible to vote and only one landlord is eligible to vote;
- (c) a vote must be by secret ballot if a resolution in favor of a secret ballot is passed.
- (d) to decide to establish a local park committee:
  - (i) a majority of tenants who are present in person or by proxy must vote in favour of establishing the committee; and
  - (ii) the landlord must vote in favour of establishing the committee.

5.2 To elect a member of a local park committee a majority of tenants who are present in person or by proxy must vote in favour of the election and the landlord is not eligible to vote in the election.

5.3 An abstention is not counted in determining whether there is a majority.

#### **6. Term of Local Park Committee Member**

6.1 The term of office of an elected local park committee member ends at the close of the annual meeting at which the new local park committee is elected.

6.2 A person whose term as local park committee member has ended is eligible for re-election.

## **7. Removing or Replacing a Local Park Committee Member**

- 7.1 A member of a local park committee other than the landlord or the landlord's nominated representative may be removed for cause by the unanimous agreement of all of the remaining members of the local park committee before the expiry of his or her term of office.
- 7.2 If a member of a local park committee other than the landlord or the landlord's nominated representative is removed or is unwilling or unable to act for an extended period, the remaining members of the local park committee must call a meeting of tenants to elect a replacement for the remainder of the term according to the procedure set out in this regulation.

## **8. Annual Meeting and Election**

- 8.1 The local park committee must hold an annual meeting to discuss park issues and to elect the elected members of the committee.
- 8.2 The local park committee must give at least 2 weeks notice of the meeting by sending a written notice to the landlord and to each tenant.
- 8.3 The notice must set out the purpose of the meeting, and the time, date and place of the meeting.
- 8.4 A member of the local park committee must record the minutes of the annual meeting.
- 8.5 The meeting may not be held unless:
- (a) the landlord is present in person or by proxy, and
  - (b) tenants of at least one third of the manufactured home pads in the park are present in person or by proxy.

## **9. Decisions of a Local Committee**

- 9.1 A local park committee must make its decision by unanimous agreement of all members of the committee except that resolutions regarding secret ballots under section 10.8 of this regulation must be decided by a majority vote.

## **10. Local Park Committee May Put Rules to a Vote by Landlord and Tenants of Park**

- 10.1 If members of the local park committee do not agree on a proposal to establish, change or repeal a rule they may, by unanimous agreement, refer the proposal to a vote of the landlord and the tenants of the park.

- 10.2 To refer the proposal to a vote of the landlord and the tenants of the park, the local park committee must give a written notice of the proposal to the landlord and each tenant.
- 10.3 The notice of the proposal must:
- (a) advise that only one landlord may vote and only one tenant from each manufactured home pad may vote;
  - (b) set out the proposal;
  - (c) include a ballot;
  - (d) advise that the landlord or tenant may vote by returning the enclosed ballot to the local park committee indicating whether he or she is in favour of or against the proposal;
  - (e) advise that a failure to vote will count as a vote in favour of the proposal;
  - (f) set out the address where the landlord or tenant should deliver the vote; and
  - (g) set out the date by which the vote must be received, which date must be at least 2 weeks after the notice is delivered to the landlord and each tenant.
- 10.4 The proposal passes by majority vote.
- 10.5 An eligible voter who does not vote must be counted as voting in favour of the proposal.
- 10.6 Only one landlord is eligible to vote and only one tenant for each manufactured home pad is eligible to vote.
- 10.7 A person may vote in person or by proxy.
- 10.8 A vote under this section must be by secret ballot if a resolution in favour of a secret ballot is passed at a meeting of the local park committee by a majority vote of the members of the local park committee.
- 10.9 The local park committee must establish, change or repeal a rule in accordance with a proposal that receives a majority vote under this section.

## **11. Dispute Resolution**

- 11.1 To assist in the voluntary resolution of disputes under the Law, the park committee may canvass tenants for their opinions.
- 11.2 In canvassing for opinions under section 11.1, the local park committee may not release any information concerning a particular dispute unless all the parties to the dispute agree to the release of such information.
- 11.3 If a local park committee is assisting in the resolution of a dispute under the Law and the dispute remains unresolved after being discussed at one meeting of the local park committee, the local park committee must advise the parties in dispute of the availability of mediation and arbitration services provided through the administrator.

## **12. Notice of Meeting of Local Park Committee**

- 12.1 Any members of the local park committee may call a meeting by giving the other members at least one weeks notice of the meeting.
- 12.2 The notice must be in writing.
- 12.3 The meeting may be held on less than one weeks notice if all members consent.

## **13. Local Park Committee Quorum**

- 13.2 No business may be conducted at a meeting of a local park committee unless the following members are present:
  - (a) the landlord or the individual nominated by the landlord; and
  - (b) at least 2 elected members who are tenants.

## **14. Rules and Minutes**

- 14.1 The local park committee must:
  - (a) keep minutes of local park committee meetings and of annual meetings; and
  - (b) make a copy of a rule established, changed or repealed by the local park committee and the minutes of any meeting, including the meeting establishing the local park committee, available to a landlord or tenant on request.

14.2 The local park committee may charge 25 cents per page for a copy of the minutes.

**15. Tenants may attend meeting**

15.1 A tenant may attend a meeting of the local park committee as an observer.

15.2 Despite section 15.1 of this regulation, no observer may attend a portion of a local park committee meeting if, in the committee's opinion, the presence of the observer would unreasonably interfere with a resident's privacy.