

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 166

, Approved and Ordered

April 8, 2025



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective April 9, 2025,

- (a) the Manufactured Home Park Tenancy Regulation, B.C. Reg. 481/2003, is amended as set out in the attached Schedule 1, and
- (b) the Residential Tenancy Regulation, B.C. Reg. 477/2003, is amended as set out in the attached Schedule 2.



Minister of Housing and Municipal Affairs



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Manufactured Home Park Tenancy Act, S.B.C. 2002, c. 77, s. 89*
Residential Tenancy Act, S.B.C. 2002, c. 78, s. 97

Other: *OIC 1236/2003; OIC 1239/2003*

R10881296

SCHEDULE 1

- 1 Part 6 of the Manufactured Home Park Tenancy Regulation, B.C. Reg. 481/2003, is repealed and the following substituted:*

PART 6 – ABANDONMENT OF PERSONAL PROPERTY

Definitions for Part

40.1 (1) In this Part:

“**abandoned personal property**” means personal property that may be considered to be abandoned as described in section 40.3 (1) and (2) [*abandonment of personal property*];

“**personal property registry**” means the personal property registry established under the *Personal Property Security Act*;

“**personal value property**” means the following items of abandoned personal property:

- (a) medical equipment;
- (b) photographs in paper form that are framed or otherwise demonstrative of having personal value;
- (c) specific property identified as having personal value as described in section 40.3 (5);

“**security interest**” has the same meaning as in the *Personal Property Security Act*.

- (2) For the purposes of section 40.4 (c) and (e) [*landlord’s duty of care and obligations*], if the disposition of abandoned personal property takes place over more than one day, the date of disposition is to be considered the last day of the disposition.

Court orders

40.2 On the application of an interested person, a court may make an order

- (a) determining the value of abandoned personal property for the purposes of section 40.8 (3) (a) [*early disposal of abandoned personal property*],
- (b) prohibiting or postponing the disposition of abandoned personal property under section 40.9 [*ordinary disposal of abandoned personal property*] or 40.91 [*special rules for disposal of personal value property*] on any conditions the court considers appropriate,
- (c) determining the right of a person claiming an interest in or right to possession of the abandoned personal property or the right of the landlord to dispose of the abandoned personal property, or
- (d) that an action be brought or an issue be tried.

Abandonment of personal property

40.3 (1) A landlord may consider that a tenant has abandoned personal property if

- (a) the tenant leaves the personal property on a manufactured home site that the tenant has vacated after the tenancy agreement has ended, or

- (b) subject to subsection (2), the tenant leaves the personal property on a manufactured home site
 - (i) that, for a continuous period of one month, the tenant has not ordinarily occupied and for which the tenant has not paid rent, or
 - (ii) from which the tenant has removed substantially all of the tenant's personal property.
- (2) The landlord is entitled to consider the circumstances described in subsection (1) (b) as abandonment only if
 - (a) the landlord receives an express oral or written notice of the tenant's intention not to return to the manufactured home site, or
 - (b) the circumstances surrounding the giving up of the manufactured home site are such that the tenant could not reasonably be expected to return to the manufactured home site.
- (3) If personal property is abandoned as described in subsections (1) and (2), the landlord
 - (a) may remove the personal property from the manufactured home site, and
 - (b) must deal with the personal property in accordance with this Part.
- (4) Subsection (3) does not apply if a landlord and tenant have made an express agreement to the contrary respecting the storage of personal property.
- (5) The tenant may provide express written notice to the landlord of specific and identifiable property that has personal value and, if the landlord has not removed that property as of the receipt of the notice, the landlord must deal with that property as personal value property in accordance with this Part.

Landlord's duty of care and obligations

40.4 When dealing with a tenant's abandoned personal property, the landlord must

- (a) exercise reasonable care and caution required by the nature of the abandoned personal property and the circumstances to ensure that the property does not deteriorate and is not damaged, lost or stolen as a result of an inappropriate method of removal or an unsuitable place of storage,
- (b) unless otherwise provided under this Part, store the abandoned personal property in a safe place and manner for a period of not less than 30 days,
- (c) keep a written inventory of the abandoned personal property for a period of 2 years from the date of disposition of the abandoned personal property,
- (d) carry out any disposition of the abandoned personal property in accordance with this Part,
- (e) keep particulars of the disposition of the abandoned personal property for a period of 2 years from the date of disposition of the abandoned personal property, and
- (f) upon request, advise the tenant whether the abandoned personal property has been removed, stored or disposed of.

Tenant's claim for abandoned personal property

- 40.5** (1) If a tenant claims the tenant's abandoned personal property at any time before it is disposed of under this Part, the landlord may, before returning the property, require the tenant to
- (a) reimburse the landlord for the landlord's reasonable costs of
 - (i) removing and storing the property, and
 - (ii) a search required to comply with section 40.6 [*notice of disposition*], and
 - (b) satisfy any amounts payable by the tenant to the landlord under the Act or a tenancy agreement.
- (2) If a tenant makes a claim under subsection (1), but does not pay the landlord the amount owed, the landlord may dispose of the property as provided by this Part.

Notice of disposition

- 40.6** (1) In this section:
- "financing statement"** has the same meaning as in the *Personal Property Security Act*;
 - "serial number"** has the same meaning as in section 10 [*collateral described by serial number*] of the Personal Property Security Regulation made under the *Personal Property Security Act*.
- (2) Not less than 30 days before disposing of an item of personal property referred to in section 40.3 [*abandonment of personal property*], the landlord must
- (a) give a notice of disposition to any person who
 - (i) has registered a financing statement in the personal property registry using the name of the tenant or the serial number of the property,
 - (ii) is registered as an owner of a manufactured home in the manufactured home registry, if the property is a manufactured home, and
 - (iii) to the knowledge of the landlord, claims an interest in the property, and
 - (b) publish the notice of disposition in a newspaper published in the area in which the manufactured home site is situated.
- (3) The notice of disposition referred to in subsection (2) must contain
- (a) the name of the tenant,
 - (b) a description of the property to be sold,
 - (c) the address of the manufactured home site,
 - (d) the address where the property is being stored, if other than the address referred to in paragraph (c),
 - (e) the name and address of the landlord, and
 - (f) a statement that the landlord will dispose of the property unless the person being notified takes possession of the property, establishes a right to

possession of it or makes an application to the court to establish such a right within 30 days from the date the notice is served on that person.

- (4) The notice of disposition referred to in subsection (2) must be given in accordance with section 72 [*service of statements, notices and demands*] of the *Personal Property Security Act*.

Holder of a security interest

- 40.7** (1) When a notice referred to in section 40.6 (2) has been given to a person who holds a security interest, the tenant is deemed to be in default of the obligation secured.
- (2) Before taking possession of the property, the person who holds a security interest must pay to the landlord moving and storage charges incurred by the landlord under this Part.

Early disposal of abandoned personal property

- 40.8** (1) The landlord's obligation under section 40.4 (b) [*landlord's duty of care and obligations*] to store abandoned personal property for at least 30 days does not apply to abandoned personal property, or items of abandoned personal property, that may be disposed of under this section.
- (2) If a landlord reasonably believes that storage of an item of abandoned personal property would be unsanitary or unsafe, the landlord may, in a commercially reasonable manner, dispose of the item of abandoned personal property.
- (3) A landlord may, in a commercially reasonable manner, dispose of abandoned personal property if the landlord reasonably believes that
- (a) the abandoned personal property has a total market value of less than \$1 000, or
 - (b) the total cost of removing, storing and selling the abandoned personal property would be more than the proceeds of the sale of the property.

Ordinary disposal of abandoned personal property

- 40.9** (1) In this section, “**applicable period**”, in respect of an item of abandoned personal property, means the period of 30 days from the latest of the following:
- (a) the latest date that an applicable notice of disposition is given to a person in accordance with section 40.6 [*notice of disposition*];
 - (b) the date that an applicable notice of disposition is published in accordance with section 40.6.
- (2) If a landlord has complied with sections 40.4 (b) [*landlord's duty of care and obligations*] and 40.6 (2), the landlord may, in a commercially reasonable manner, dispose of abandoned personal property unless, during the applicable period,
- (a) a person described in section 40.6 (2) (a) who has been given notice of disposition as provided in that section has taken or demanded possession of the property,
 - (b) a person who holds a security interest in the property has taken or demanded possession of the property, or

- (c) a person claiming an interest in the property has made an application under section 40.2 (b), (c) or (d) [*court orders*] or has brought an action to establish the person's interest in or right to possession of the property and the landlord has been notified of the application or action.

Special rules for disposal of personal value property

- 40.91** (1) This section applies despite sections 40.8 and 40.9.
- (2) The landlord's obligation under section 40.4 (b) to store abandoned personal property for not less than 30 days applies to items of personal value property.
 - (3) Despite subsection (2), if the landlord reasonably believes that storage of an item of personal value property would be unsanitary or unsafe, the landlord has no obligation to store the item and may, in a reasonable manner, dispose of an item of personal value property.
 - (4) The landlord may, in a reasonable manner, dispose of personal value property stored in accordance with subsection (2) unless, during the 30 days referred to in that subsection,
 - (a) a person claiming an interest in the property has
 - (i) made an application under section 40.2 (b), (c) or (d), or
 - (ii) brought an action to establish the person's interest in or right to possession of the property, and
 - (b) the landlord has been notified of the application or action.
 - (5) Despite subsection (4), if a landlord gave a notice of disposition under this Part in respect of an item of personal value property, section 40.9 (2) applies to the landlord in respect of the disposal of that property.

Proceeds of sale

- 40.92** (1) If a landlord disposes of abandoned personal property under this Part, the landlord may retain proceeds of the sale sufficient to
- (a) reimburse the landlord for the landlord's reasonable costs of
 - (i) removing, storing, advertising and disposing of the property, and
 - (ii) a search required to comply with section 40.6 [*notice of disposition*], and
 - (b) satisfy any amounts payable by the tenant to the landlord under the Act or a tenancy agreement.
- (2) If the proceeds from disposing of a manufactured home abandoned by a tenant are not sufficient to reimburse the landlord for the cost of disposition or to satisfy any other amount payable by the tenant to the landlord in accordance with subsection (1), subject to subsection (3), the landlord may not claim reimbursement from the tenant in the circumstances described in section 33.2 (a) [*additional tenant's compensation: manufactured home is not capable of being moved*].
- (3) Subsection (2) does not apply if the tenant owes rent or fees to the landlord under the tenancy agreement.

Unclaimed property

- 40.93** (1) In this section, “**administrator**” has the same meaning as in the *Unclaimed Property Act*.
- (2) If any amount remains after payments are made as described in section 40.92, a landlord must pay the balance to the administrator, who must follow the procedure for an unclaimed money deposit set out in the *Unclaimed Property Act*.
- (3) If a landlord pays money to the administrator under this section, the landlord must give the administrator a copy of the inventory of the abandoned personal property disposed of and written particulars of the disposition.

Purchaser’s title

- 40.94** A purchaser of abandoned personal property disposed of in accordance with this Part acquires a marketable title free of all encumbrances on payment of the taxes owing in relation to the abandoned personal property or the sale.

Requirement when selling abandoned manufactured home

- 40.95** A landlord of a manufactured home site who sells an abandoned manufactured home under this Part must, on request of the purchaser, provide the purchaser with a signed statement.

Transitional matters relating to abandoned personal property

- 40.96** In the case of abandoned personal property that was abandoned before April 9, 2025, this Part applies as it read immediately before that date in respect of that abandoned personal property.

SCHEDULE 2

- 1 Part 5 of the Residential Tenancy Regulation, B.C. Reg. 477/2003, is repealed and the following substituted:*

PART 5 – ABANDONMENT OF PERSONAL PROPERTY

Definitions for Part

- 30.1** (1) In this Part:
- “**abandoned personal property**” means personal property that may be considered to be abandoned as described in section 30.3 (1) and (2) [*abandonment of personal property*];
- “**personal property registry**” means the personal property registry established under the *Personal Property Security Act*;
- “**personal value property**” means the following items of abandoned personal property:
- (a) medical equipment;

- (b) photographs in paper form that are framed or otherwise demonstrative of having personal value;
- (c) specific property identified as having personal value as described in section 30.3 (5);

“**security interest**” has the same meaning as in the *Personal Property Security Act*.

- (2) For the purposes of section 30.4 (c) and (e) [*landlord’s duty of care and obligations*], if the disposition of abandoned personal property takes place over more than one day, the date of disposition is to be considered the last day of the disposition.

Court orders

30.2 On the application of an interested person, a court may make an order

- (a) determining the value of abandoned personal property for the purposes of section 30.8 (3) (a) [*early disposal of abandoned personal property*],
- (b) prohibiting or postponing the disposition of abandoned personal property under section 30.9 [*ordinary disposal of abandoned personal property*] or 30.91 [*special rules for disposal of personal value property*] on any conditions the court considers appropriate,
- (c) determining the right of a person claiming an interest in or right to possession of the abandoned personal property or the right of the landlord to dispose of the abandoned personal property, or
- (d) that an action be brought or an issue be tried.

Abandonment of personal property

30.3 (1) A landlord may consider that a tenant has abandoned personal property if

- (a) the tenant leaves the personal property on residential property that the tenant has vacated after the tenancy agreement has ended, or
- (b) subject to subsection (2), the tenant leaves the personal property on residential property
 - (i) that, for a continuous period of one month, the tenant has not ordinarily occupied and for which the tenant has not paid rent, or
 - (ii) from which the tenant has removed substantially all of the tenant’s personal property.

(2) The landlord is entitled to consider the circumstances described in subsection (1) (b) as abandonment only if

- (a) the landlord receives an express oral or written notice of the tenant’s intention not to return to the residential property, or
- (b) the circumstances surrounding the giving up of the rental unit are such that the tenant could not reasonably be expected to return to the residential property.

(3) If personal property is abandoned as described in subsections (1) and (2), the landlord

- (a) may remove the personal property from the residential property, and

- (b) must deal with the personal property in accordance with this Part.
- (4) Subsection (3) does not apply if a landlord and tenant have made an express agreement to the contrary respecting the storage of personal property.
- (5) The tenant may provide express written notice to the landlord of specific and identifiable property that has personal value and, if the landlord has not removed that property as of the receipt of the notice, the landlord must deal with that property as personal value property in accordance with this Part.

Landlord's duty of care and obligations

- 30.4** When dealing with a tenant's abandoned personal property, the landlord must
- (a) exercise reasonable care and caution required by the nature of the abandoned personal property and the circumstances to ensure that the property does not deteriorate and is not damaged, lost or stolen as a result of an inappropriate method of removal or an unsuitable place of storage,
 - (b) unless otherwise provided under this Part, store the abandoned personal property in a safe place and manner for a period of not less than 30 days,
 - (c) keep a written inventory of the abandoned personal property for a period of 2 years from the date of disposition of the abandoned personal property,
 - (d) carry out any disposition of the abandoned personal property in accordance with this Part,
 - (e) keep particulars of the disposition of the abandoned personal property for a period of 2 years from the date of disposition of the abandoned personal property, and
 - (f) upon request, advise the tenant whether the abandoned personal property has been removed, stored or disposed of.

Tenant's claim for abandoned personal property

- 30.5** (1) If a tenant claims the tenant's abandoned personal property at any time before it is disposed of under this Part, the landlord may, before returning the property, require the tenant to
- (a) reimburse the landlord for the landlord's reasonable costs of
 - (i) removing and storing the property, and
 - (ii) a search required to comply with section 30.6 [*notice of disposition*], and
 - (b) satisfy any amounts payable by the tenant to the landlord under the Act or a tenancy agreement.
- (2) If a tenant makes a claim under subsection (1), but does not pay the landlord the amount owed, the landlord may dispose of the property as provided by this Part.

Notice of disposition

- 30.6** (1) In this section:
- "financing statement"** has the same meaning as in the *Personal Property Security Act*;

“serial number” has the same meaning as in section 10 [*collateral described by serial number*] of the Personal Property Security Regulation made under the *Personal Property Security Act*.

- (2) Not less than 30 days before disposing of an item of personal property referred to in section 30.3 [*abandonment of personal property*], the landlord must
 - (a) give a notice of disposition to any person who
 - (i) has registered a financing statement in the personal property registry using the name of the tenant or the serial number of the property, or
 - (ii) to the knowledge of the landlord, claims an interest in the property, and
 - (b) publish the notice of disposition in a newspaper published in the area in which the residential property is situated.
- (3) The notice of disposition referred to in subsection (2) must contain
 - (a) the name of the tenant,
 - (b) a description of the property to be sold,
 - (c) the address of the residential property,
 - (d) the name and address of the landlord, and
 - (e) a statement that the landlord will dispose of the property unless the person being notified takes possession of the property, establishes a right to possession of it or makes an application to the court to establish such a right within 30 days from the date the notice is served on that person.
- (4) The notice of disposition referred to in subsection (2) must be given in accordance with section 72 [*service of statements, notices and demands*] of the *Personal Property Security Act*.

Holder of a security interest

- 30.7** (1) When a notice referred to in section 30.6 (2) has been given to a person who holds a security interest, the tenant is deemed to be in default of the obligation secured.
- (2) Before taking possession of the property, the person who holds a security interest must pay to the landlord moving and storage charges incurred by the landlord under this Part.

Early disposal of abandoned personal property

- 30.8** (1) The landlord's obligation under section 30.4 (b) [*landlord's duty of care and obligations*] to store abandoned personal property for at least 30 days does not apply to abandoned personal property, or items of abandoned personal property, that may be disposed of under this section.
- (2) If a landlord reasonably believes that storage of an item of abandoned personal property would be unsanitary or unsafe, the landlord may, in a commercially reasonable manner, dispose of the item of abandoned personal property.
- (3) A landlord may, in a commercially reasonable manner, dispose of abandoned personal property if the landlord reasonably believes that

- (a) the abandoned personal property has a total market value of less than \$1 000, or
- (b) the total cost of removing, storing and selling the abandoned personal property would be more than the proceeds of the sale of the property.

Ordinary disposal of abandoned personal property

- 30.9** (1) In this section, “**applicable period**”, in respect of an item of abandoned personal property, means the period of 30 days from the latest of the following:
- (a) the latest date that an applicable notice of disposition is given to a person in accordance with section 30.6 [*notice of disposition*];
 - (b) the date that an applicable notice of disposition is published in accordance with section 30.6.
- (2) If a landlord has complied with sections 30.4 (b) [*landlord’s duty of care and obligations*] and 30.6 (2), the landlord may, in a commercially reasonable manner, dispose of abandoned personal property unless, during the applicable period,
- (a) a person described in section 30.6 (2) (a) who has been given notice of disposition as provided in that section has taken or demanded possession of the property,
 - (b) a person who holds a security interest in the property has taken or demanded possession of the property, or
 - (c) a person claiming an interest in the property has made an application under section 30.2 (b), (c) or (d) [*court orders*] or has brought an action to establish the person’s interest in or right to possession of the property and the landlord has been notified of the application or action.

Special rules for disposal of personal value property

- 30.91** (1) This section applies despite sections 30.8 and 30.9.
- (2) The landlord’s obligation under section 30.4 (b) to store abandoned personal property for not less than 30 days applies to items of personal value property.
 - (3) Despite subsection (2), if the landlord reasonably believes that storage of an item of personal value property would be unsanitary or unsafe, the landlord has no obligation to store the item and may, in a reasonable manner, dispose of an item of personal value property.
 - (4) The landlord may, in a reasonable manner, dispose of personal value property stored in accordance with subsection (2) unless, during the 30 days referred to in that subsection,
 - (a) a person claiming an interest in the property has
 - (i) made an application under section 30.2 (b), (c) or (d), or
 - (ii) brought an action to establish the person’s interest in or right to possession of the property, and
 - (b) the landlord has been notified of the application or action.

- (5) Despite subsection (4), if a landlord gave a notice of disposition under this Part in respect of an item of personal value property, section 30.9 (2) applies to the landlord in respect of the disposal of that property.

Proceeds of sale

30.92 If a landlord disposes of abandoned personal property under this Part, the landlord may retain proceeds of the sale sufficient to

- (a) reimburse the landlord for the landlord's reasonable costs of
 - (i) removing, storing, advertising and disposing of the property, and
 - (ii) a search required to comply with section 30.6 [*notice of disposition*], and
- (b) satisfy any amounts payable by the tenant to the landlord under the Act or a tenancy agreement.

Unclaimed property

30.93 (1) In this section, “**administrator**” has the same meaning as in the *Unclaimed Property Act*.

- (2) If any amount remains after payments are made as described in section 30.92, a landlord must pay the balance to the administrator, who must follow the procedure for an unclaimed money deposit set out in the *Unclaimed Property Act*.
- (3) If a landlord pays money to the administrator under this section, the landlord must give the administrator a copy of the inventory of the abandoned personal property disposed of and written particulars of the disposition.

Purchaser's title

30.94 A purchaser of abandoned personal property disposed of in accordance with this Part acquires a marketable title free of all encumbrances on payment of the taxes owing in relation to the abandoned personal property or the sale.

Transitional matters relating to abandoned personal property

30.95 In the case of abandoned personal property that was abandoned before April 9, 2025, this Part applies as it read immediately before that date in respect of that abandoned personal property.