

# REGIONAL DISTRICT OF KITIMAT STIKINE

## POLICY

### MOBILE HOME PARKS WITH NON-CONFORMING STATUS

#### **Resolution # R442-2013**

*That the Regional District Board adopt the Mobile Home Parks with Non-conforming Status Policy to address replacement of Mobile Homes in Mobile Home Parks identified as Non-conforming under the Greater Terrace Zoning Bylaw No. 37, Thornhill Zoning Bylaw No. 194 and the South Hazelton Zoning Bylaw No. 326 of the Regional District of Kitimat Stikine.*

#### **PART 1 - Policy Scope and Application**

This policy applies only to Mobile Home Parks and Mobile Homes lawfully used as such under a previous Regional District of Kitimat Stikine (the “Regional District”) land use bylaw or when no Regional District bylaw was in place. The policy guides replacement of mobile homes within Mobile Home Parks with non-conforming status.

Pursuant to Section 911 of the Local Government Act, R.S.B.C. 1996, Chapter 323 (the “Local Government Act”), the Regional District permits Mobile Homes and Mobile Home Parks that do not conform to the Regional District’s current land use bylaws to continue to be used under “non-conforming status” if they were lawfully used prior to the adoption of those bylaws.

This policy shall come into effect at the date of adoption by the Board of the Regional District.

#### **PART 2 - Objectives**

The Regional District makes this policy in light of the decision of the Honorable Mr. Justice Wong of the B.C. Supreme Court in *Stroshin v. Parksville (City)* 2010 BCSC 350, which prohibited the replacement of Non-conforming Mobile Homes:

*...the immunity granted to these non-conforming structures ceases with their removal making the use of replacement mobile homes impermissible unless all current applicable regulations are satisfied (paragraph 120).*

While making this prohibition, the Honourable Mr. Justice Wong recognized the appropriateness of local governments balancing individual and community interests, as stated at paragraph 122:

*Though pursuant to the Act the City is not required to issue any building permits for replacement structures unless all current requirements are satisfied, it has taken the reasonable position that replacement units of the same size may be brought on to the property. Recognizing that the homes of many people are located in the mobile home park, I would encourage the parties to work towards a reasonable solution that respects the interests of these individuals.*

Taking into account the Stroshin decision, the Regional District establishes this policy to

- (a) Provide direction on the replacement of mobile homes in “Non-conforming” Mobile Home Parks within the jurisdiction of the Regional District;
- (b) Maintain an inventory of affordable housing in the Regional District;
- (c) Limit hardship to occupants of mobile homes within non-conforming Mobile Home Parks;
- (d) Provide certainty to owners of Mobile Home Parks with non-conforming status;
- (e) Promote compliance with health and safety codes;
- (f) Achieve long-term compliance with the Zoning Bylaws.

### **PART 3 - Definitions**

**“Mobile Home”** means a transportable, factory built, single or double wide residential dwelling unit, which arrives at the Lot complete and ready for occupancy except for the placing of foundation supports, connection of utilities, and some incidental assembly.

**“Mobile Home Park”** means the area of land used or occupied for the placement and accommodation of three or more Mobile Homes in exchange for the payment of a fee to the owner.

**“Pad”** means that portion of a Mobile Home Park designated, designed and prepared for the support of a mobile home and may contain service connections.

**“Lot”** means a parcel of land legally surveyed as a separate and distinct parcel on a subdivision plan, bare-land strata plan or certificate of title filed in the Land Title Office pursuant to the Land Title Act.

**“Non-conforming status”** means the exemption of the use of land, a building, or a structure that was being lawfully used prior to the adoption of the Bylaws from having to comply with the current Bylaws.

**“Owner”** means an owner, agent, lessor or manager of, or any person duly authorized to operate a Mobile Home Park.

### **PART 4 - Policy**

#### **Division 1 - Use of Mobile Home Pads**

1. A Mobile Home Pad in lawful use or lawfully under construction prior to the time of adoption of the Regional District’s land use bylaws is permitted to remain in the Mobile Home Park.
2. A Mobile Home must occupy only one Mobile Home Pad in a Mobile Home Park.

#### **Division 2 - Replacement of Mobile Homes**

1. Existing mobile home units will be allowed a one-time replacement if accompanied by a Replacement Declaration & Agreement identifying the structure by unit number and registration number and saving harmless the Regional District from any liability associated with the replacement unit.
2. Vacant pads existing prior to the adoption of the applicable Zoning Bylaw will be allowed to be occupied with a mobile home and further allowed a one-time only replacement if accompanied by a Replacement Declaration & Agreement identifying the structure by unit number and registration number and saving harmless the Regional District from any liability associated with the initial occupying unit and the replacement unit.

3. Notwithstanding Division 2 (1 & 2) above, a mobile home may be replaced in the event of a catastrophic loss, such as by fire or extreme weather.
4. Replacement Mobile Homes must be factory-built and conform to CSA Standard Z-240.
5. A replacement Mobile Home must be placed and sited on an existing Mobile Home Pad.
6. Prior to replacing a Mobile Home, the Owner must obtain:
  - a) Building Declaration and Siting Approval Permit from the Regional District;
  - b) Surveyors Certificate prepared by a BC Land Surveyor (BCLS); and
  - c) Mobile Home Replacement Declaration & Agreement  
Sample Replacement Declaration & Agreement is attached as Appendix A
7. A singlewide Mobile Home that is permitted to be replaced pursuant to Division 2 may be replaced with another singlewide mobile home of any dimension or gross floor area, provided that there is no further encroachment on the required setbacks
8. A doublewide Mobile Home permitted to be replaced pursuant to Division 2 may be replaced with either a singlewide or a doublewide Mobile Home of any dimension or gross floor area, provided that there is no further encroachment on the required setbacks.
9. Any addition to a mobile home may be no closer than 6 meters to the nearest mobile home or addition.

### **Division 3 - Obligations of Mobile Park Owner**

1. It is the responsibility of the owner to ensure any replacement of a mobile home or occupation of a vacant mobile home pad complies with the Sewerage Systems Regulations of the B.C., Public Health Act or Waste Management Act.
2. It is the responsibility of the owner to ensure any replacement of a mobile home or occupation of a vacant mobile home pad complies with building and fire codes within British Columbia.
3. Through a Mobile Home Replacement Declaration & Agreement granted by the owner in favour of the Regional District, the owner will acknowledge that the Regional District of Kitimat-Stikine does not operate a Building Inspection Service nor administer the BC Building Code or Provincial Fire Code.

### **Division 4 - Alterations to this Policy**

This Legal Non-conforming Mobile Home Park Policy may only be varied by a resolution of the Board of the Regional District of Kitimat Stikine.

An owner of a mobile home may apply to the Regional District Board for an exemption if the person can demonstrate that compliance with this Policy would cause personal hardship.

The Regional District shall review this Policy three years following adoption.

**Date of Adoption:** November 23, 2013

## Appendix A

### Sample Mobile Home Replacement Declaration & Agreement

#### The Regional District of Kitimat-Stikine:

1. Permits the mobile home identified below to occupy the land as a one-time occupation of a vacant pad and/or one-time replacement unit and may only be replaced if the mobile home park site is rezoned to permit replacement units and all regulations are satisfied or replacement of the mobile home is authorized by the Regional District according its Policy on Mobile Home Parks with Non-Conforming Status (2013).

#### The Owner of the Mobile Home Park:

1. Acknowledges that the Regional District does not provide a Building Inspection Service nor administers the BC Building Code, provincial Fire Code or provincial Sewerage System Regulations.
2. Agrees that permission granted by the Regional District through this covenant does not confer lawful status on all or any part of the Mobile Home Park or imply that the Mobile Home Park is compliant with zoning, building code regulations, fire code regulations or Sewerage System Regulations.
3. Releases the Regional District of Kitimat-Stikine from the Mobile Park owner's own claims and confers indemnity from third party claims.

Legal Description of Property: \_\_\_\_\_

Address: \_\_\_\_\_

Mobile Home Registration Number: \_\_\_\_\_

Pad or Unit Identifier within Non-Conforming Mobile Home Park: \_\_\_\_\_

#### Signatures:

\_\_\_\_\_  
Owner of Non-Conforming  
Mobile Home Park

\_\_\_\_\_  
Authorized Signatory  
Regional District of Kitimat-Stikine