



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR RP

Introduction

This hearing dealt with an Application for Dispute Resolution to obtain an Order to cancel a notice to end tenancy for unpaid rent and to Order the Respondent to make repairs for health or safety reasons.

No one appeared at the teleconference hearing on behalf of the Applicant; however, the Respondent and their legal counsel attended.

Issue(s) to be Decided

Does this matter fall within the jurisdiction of the *Residential Tenancy Act*?

Background and Evidence

The Respondent submitted documentary evidence which included, among other things, copies of: their written submission arguing jurisdiction; a map displaying the location of the rental property on Indian lands; a copy of the rental tenancy agreement; the *Residential Tenancy Policy Guideline # 27* on jurisdiction; and a sample decision declining jurisdiction.

The Respondent confirmed that the subject property is Indian lands located on a reserve and is not land owned and operated under a Treaty.

Analysis

In the absence of the Applicant, who did not appear at this proceeding, I accepted the submissions of the Respondent that the subject property is located on Indian Lands and is therefore excluded from the *Residential Tenancy Act* as these matters pertain to use and occupation of that land.

Conclusion

I DECLINE to hear these matters, for want of jurisdiction.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 18, 2013

Residential Tenancy Branch

