



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

DRI, MT, CNR, MNDC, OLC, FF

### Introduction

This hearing was convened on December 06, 2012 in response to an Application for Dispute Resolution, in which the Tenant applied to dispute an additional rent increase, to cancel a notice to end tenancy, for more time to cancel a notice to end tenancy, for a monetary Order for money owed or compensation for damage or loss, for an Order requiring the Landlord to comply with the *Manufactured Home Park Tenancy Act (Act)* and/or the tenancy agreement, and to recover the filing fee from the Landlord for the cost of filing this Application.

The hearing on December 06, 2012 was adjourned pending the results of a British Columbia Court of Appeal decision regarding whether the Residential Tenancy Branch has jurisdiction over tenancy agreements on Sechelt Lands. The hearing was reconvened on June 11, 2013.

The Tenant was in attendance at the reconvened hearing on June 11, 2013, although the Landlord was not. The hearing proceeded in the absence of the Landlord.

### Issue(s) to be Decided

Do I have jurisdiction over this tenancy?

### Background and Evidence

The Tenant stated that she is aware that the Court of Appeal for British Columbia has determined that the *Manufactured Home Park Tenancy Act (Act)* does not apply to tenancies on Sechelt Lands. She stated that she understands this to mean that her dispute cannot be resolved at these proceedings.

I have had the opportunity to view the decision of the Court of Appeal of British Columbia, dated June 05, 2013, which considered a dispute between this Respondent and another Applicant who has a tenancy agreement with the Respondent. In that decision the Court of Appeal determined that the *Act* is constitutionally inapplicable to any landlord and tenant relationship created by a lease on Sechelt Lands.

Analysis

As the rental site in dispute in these proceedings is on Sechelt Lands, I find that I do not have jurisdiction in this matter, as per the ruling of the Court of Appeal of British Columbia.

Conclusion

As I do not have jurisdiction in the matter, I dismiss the Tenant's Application for Dispute Resolution, with leave to reapply if a court of higher jurisdiction determines that the Residential Tenancy Branch does have jurisdiction over Sechelt Lands.

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: June 11, 2013.

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