



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding New Aiyansh Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR and FF

Introduction

This application was brought by the landlord on May 22, 2013 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served in person on May 6, 2013. The landlord also sought a monetary award for unpaid rent and recovery of the filing fee for this proceeding.

The hearing convened at 11 a.m. on June 20, 2013 as scheduled and was held open for 10 minutes; however, neither party called in to the number provided to enable their participation in the telephone conference call proceeding. Therefore, the application is dismissed with leave to reapply.

In granting leave to reapply, I note that the rental unit is in the capital of Nisga'a First Nation lands. The landlord should be aware that a recent ruling of the British Columbia Court of Appeal (*Sechelt Indian Band v. British Columbia (Manufactured Home Park Tenancy Act, Dispute Resolution Officer)*, 2013 BCCA 262) has substantially affected Residential Tenancy Branch jurisdiction on First Nation land, particularly if the landlord is the First Nation. If that is the case in this application, the landlord should seek further guidance before making a further application as the branch may not have 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: June 20, 2013

Residential Tenancy Branch