



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This was a hearing with respect to the tenant's application to cancel a 10 day Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The tenant and the landlord called in and participated in the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

Background and Evidence

The rental unit is a trailer owned by the respondent. It is located on Native land and the tenant pays pad rent to the landowner. The tenant pays Monthly rental payments of \$400.00 to the respondent for the use of her trailer. The respondent has no agreement or relationship with the landowner.

In May, 2013 there was a sewer backup. The tenant paid to have a plumber attend to make repairs. There was a blockage in the sanitary drain system, but it had nothing to do with the trailer owned by the respondent. The sewer problems were beneath the trailer and some distance away from it on the property owner's land. The tenant paid \$528.04 to the plumber. He deducted the amount from trailer rental payments due to the respondent. The respondent then served the tenant with a 10 day Notice to End Tenancy for unpaid rent.

Analysis and conclusion

During the hearing the parties discussed the issues. The tenant said that he did not have the money to pay the rent to the respondent. He said she would have to wait for payment until he talked to the Native band and received reimbursement from them. The

respondent was unwilling to wait; she insisted that the plumbing problem was not her concern and not a valid reason to delay paying rent.

It is clear on the evidence presented that the tenant has a form of manufactured home park tenancy with the Native band that owns the land. His relationship and trailer rental agreement with the landlord is not a residential tenancy matter and it is not a manufactured home park tenancy. I find that I have no jurisdiction over the relationship between the applicant and the respondent either under the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act*. The tenant's application is therefore dismissed 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: July 8, 2013

Residential Tenancy Branch