



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

The applicant (landlord) applied for an order for an early ending of this tenancy. However, the subject premises are on Indian Reserve, and there is a jurisdictional issue in that regard.

### Issue(s) to be Decided

Is this a tenancy to which the Residential Tenancy Act applies?

### Background and Evidence

The parties confirm that the subject premises are situated on Mission Indian Reserve #1, which is reserved for the Squamish Nation.

### Analysis

On June 5, 2013, the British Columbia Court of Appeal (in the case of Sechelt Indian Band v. British Columbia, 2013 BCCA 262) decided that the Residential Tenancy Branch does not have the authority to decide matters involving Indian reserve lands

Since the premises in question falls into the category of Indian reserve lands, I therefore have no jurisdiction over this dispute.

### Conclusion

Jurisdiction over this claim is denied.

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 26, 2013

---

Residential Tenancy Branch