



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Okanagan Indian Band and Coldwell Banker Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNDC, MNSD, FF

There are applications filed by both parties. The Landlord seeks a monetary order for damage to the unit, site or property, for money owed or compensation for damage or loss, to keep all or part of the security deposit and recovery of the filing fee. The Tenant also seeks a monetary order for the return of the pet damage deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

At the beginning of the hearing the Landlord's Agent confirmed that he was an agent of the Landlord, the Okanagan Indian Band and that the property in dispute is on reserve lands. Policy Guideline #27 makes the Residential Tenancy Act and the Manufactured Home Park Tenancy Act inapplicable to tenancy agreements on reserve lands, where the landlord is an Indian or an Indian Band. As such, the Residential Tenancy Branch has no jurisdiction to deal with this dispute. Jurisdiction is refused.

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: December 19, 2013

Residential Tenancy Branch

