



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OLC

### Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy and for the Landlord to comply with the Act, regulations and the tenancy agreement.

At the start of the conference call both Parties said the rental unit is situated on Indian land and therefore the Residential Tenancy Act does not have jurisdiction over this tenancy. The Parties said they have an arbitration hearing set up with the Indian Band adjudicator for Friday, December 20, 2013 to resolve this dispute.

I accept the Parties' testimony that the rental unit is situated on Indian land and therefore the Residential Tenancy Act does not have jurisdiction over this tenancy.

Section 91 of the *Constitution Act* says provincial law cannot affect "use and occupation" of Indian Lands because that power belongs to the federal government under section 91. The parties have both testified that the rental unit is of Indian land and I accept the parties' testimony therefore; I find the Residential Tenancy Act of the Province of British Columbia does not have jurisdiction in this situation.

### Conclusion

The application is dismissed for lack 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: December 17, 2013

---

Residential Tenancy Branch