



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, LAT, MNR, MT, OPR, O, RR

### Decision Reasons

#### Jurisdiction

At the beginning of the hearing I dealt with a request to determine jurisdiction in this matter, and I have determined that the Residential Tenancy Act does not have jurisdiction to hear any disputes of any nature arising from this tenancy agreement.

A June 5, 2013 decision of the British Columbia Court of Appeal (*Sechelt Indian Band v. British Columbia (Manufactured Home Park Tenancy Act, Dispute Resolution Officer)*, 2013 BCCA 262,) found that the Residential Tenancy Act is wholly inapplicable to tenancy agreements on reserve lands and property on reserve lands where the landlord is an Indian or an Indian Band.

This dispute property is on Indian reserve lands, and the landlord is first Nations.

#### Conclusion

I decline jurisdiction over all disputes of any nature arising from this tenancy agreement.

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: January 29, 2014

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Residential Tenancy Branch

