



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the *Act*") for an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62. Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, and to make submissions.

Preliminary Issues – Evidentiary Requirements and Jurisdiction

The tenant/applicant claimed that the landlord intends to reduce the services available at the rental unit and increase the rent. The tenant sought an order that the landlord comply with the *Residential Tenancy Act*. The tenant referred to an email sent by the landlord informing the tenant of the services and rent amount changes as well as the dates they would take effect. The tenant did not submit a copy of the email or a copy of the existing residential tenancy agreement. The tenant submitted no documentary or other evidence for this hearing.

At this hearing, the landlord claimed that the *Act* does not apply to this tenancy. She claimed that the residence is on reserve land and therefore not subject to the *Act*. She did not supply any documentary materials as evidence of her position.

As part of the Residential Tenancy Dispute Resolution process, the provision of evidence allows the other party (the respondent) to know the case they have to meet. It also allows the arbitrator to consider documentary evidence as well as testimony in weighing each party's position. I find that the tenant did not provide sufficient evidence with which to assess her claim or to address the submissions of the landlord. I dismiss the tenant's claim with leave to reapply.

This decision to dismiss the tenant's claim does not preclude the tenant from reapplying for an order that the landlord comply with the Act in a subsequent application or make another application with respect to these issues. However, any timelines related to this application continue to apply.

I dismiss the tenant's application with leave to reapply.

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: October 14, 2016

Residential Tenancy Branch

