



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding STANMAR SERVICES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC

Introduction

The tenant seeks damages for her alleged wrongful eviction from a manufactured home park.

The landlord made a preliminary objection that the manufactured home park in question was not within the jurisdiction of the *Manufactured Home Park Tenancy Act* because it is located on land reserved for Indians under the *Indian Act*, RSC 1985, c I-5.

This matter was adjourned from January 3, 2018 to permit a copy of the written tenancy agreement to be filed.

It is not disputed that the land on which the park is located is land reserved for Indians under the *Indian Act*.

Though the park is managed by and all dealings with the "landlord" are through the persons employed by the respondent corporation, there is no dispute that the written tenancy agreement is with the lawful Locatees holding certificates of possession of the land under the *Indian Act* as the tenant's landlord.

Residential Tenancy Policy Guideline 27, "Jurisdiction" provides a description of the law and summarizes as follows::

The Residential Tenancy Branch, therefore, has no jurisdiction on reserve lands if:

- The landlord is an Indian or Indian Band; or
- The dispute is about use and possession.

That provision applies equally to the *Manufactured Home Park Tenancy Act*.

This application must be dismissed for lack of jurisdiction. The land is land reserved for Indians and the landlords are Indians.

The tenant is free to apply for relief to a forum having jurisdiction over disputes on reserve lands.

This decision was rendered orally at hearing and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: January 23, 2018

Residential Tenancy Branch