



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, AS, MNDCT

### Introduction

On September 6, 2018, the Applicant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* ("the *Act*") to dispute a One-Month Notice to End Tenancy for Cause, to request a monetary order for losses due to the tenancy, and to allow a sublet. The matter was set for conference call.

Both parties attended the conference call hearing and were affirmed to be truthful in their testimony. The parties were provided with the opportunity to present evidence orally and in written and documentary form, and to make submissions at the hearing.

### Preliminary Matter - Jurisdiction

At the outset of the hearing, the Applicant raised the issue of jurisdiction. Both parties were given a full opportunity to address the issue as follows.

The Applicant testified that the rental unit is located on Westbank First Nations land and that this office does not have jurisdiction to hear his application.

The Respondent agreed with the Applicant, that the rental unit is located on Westbank First Nations land and that this office does not have jurisdiction to hear this application.

### Analysis

Based on the above, the testimony and evidence, I find as follows:

I refer to the *Residential Tenancy Branch – Policy Guideline 27 – Jurisdiction*

#### **b. Westbank First Nation Lands**

Westbank Lands are Reserve Lands and are identical to Indian Act reserve lands in relation to the limited application of provincial laws. The Westbank First Nation Self-Government Agreement delegates law-making authority over “landlord and tenant matters with respect to Westbank Lands and premises on Westbank Land.”

The Westbank Residential Premises Law applies to all residential tenancies on Westbank lands, therefore, the Residential Tenancy Act and Manufactured Home Park Tenancy Act are entirely inapplicable to Westbank lands.

The Residential Tenancy Branch will decline jurisdiction on Westbank lands.

I find that the Applicant’s application affects the use and occupation of First Nations Lands and I, therefore, decline to accept jurisdiction over the Applicant’s dispute with the Respondent.

The Parties are at liberty to seek an appropriate legal remedy to this dispute.

### Conclusion

For a reason stated above, I decline jurisdiction to resolve this dispute.

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 18, 2018

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Residential Tenancy Branch