



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the tenant under the *Residential Tenancy Act* (the Act) for monetary relief in respect to the security deposit and tenant's compensation, and to recover the filing fee.

The hearing was conducted by conference call. Both parties attended the hearing.

I am satisfied by the parties' respective testimony that they exchanged evidence as provided to this proceeding in accordance with Section 88 of the Act.

Preliminary matters - jurisdiction

In part, the landlord provided evidence respecting jurisdiction in this matter. The landlord provided evidence that the rental unit of this matter is situate on Tla'amin First Nations treaty lands and that the landlord is a member of the said First Nation; and, that the Tla'amin First Nation enacted (the) *Residential Tenancy Law* (the Law) which pursuant to paragraph (2) of Section 1.3 of the Law, it states,

Supremacy of Law

(2) This Law prevails over the *Residential Tenancy Act* (British Columbia) unless expressly stated or incorporated.

I find that the items to which the tenant seeks a remedy are not expressly excluded from the Law's exclusive authority and therefore under the (the) *Residential Tenancy Law* of the Tla'amin Nation the respective sole jurisdiction extends to this application. As a result I find that I do not have jurisdiction to hear this application and I must therefore **dismiss it**, without leave.

Conclusion

I have declined to hear this matter as I lack legal authority/jurisdiction to do so.

This Decision is final and binding.

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: April 02, 2019

Residential Tenancy Branch