



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT, LAT, LRE, MNDCT, OLC, PSF, RP

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Applicant on July 09, 2019 (the "Application"). The Applicant applied as follows:

- To dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities;
- For authorization to change locks;
- To suspend or set conditions on the Landlord's right to enter the rental unit or site;
- For an order that the Landlord comply with the Act, regulation and/or the tenancy agreement;
- For an order that the Landlord provide services or facilities required by the tenancy agreement or law;
- For an order that repairs be made to the unit, site or property;
- For compensation for monetary loss or other money owed; and
- For reimbursement for the filing fee.

The Applicant filed an amendment dated July 14, 2019 to dispute a new notice to end tenancy served July 10, 2019.

The Applicant did not appear at the hearing. The Respondent did appear. I waited 10 minutes to allow the Applicant to participate in this hearing. The Applicant did not call into the hearing.

The Applicant submitted evidence prior to the hearing. The Respondent did not. I addressed service of the hearing package and Applicant's evidence. The Respondent confirmed she received these.

The Respondent provided affirmed testimony. She testified that the home is owned by her and the Applicant rents the home. She testified that the home is located on the First Nation Lands noted on the front page of this decision.

Rule 7.3 of the Rules of Procedure states that an arbitrator can dismiss an application for dispute resolution without leave to re-apply if a party fails to attend the hearing.

Here, the Applicant failed to attend the hearing and provide evidence regarding the Application. In the absence of evidence from the Applicant regarding the basis for the Application, the Application is dismissed without leave to re-apply.

Further, I accept the undisputed testimony of the Respondent that the home is on First Nation Lands. Neither the *Residential Tenancy Act* nor the *Manufactured Home Park Tenancy Act* applies to these lands. Therefore, the Residential Tenancy Branch does not have jurisdiction to decide matters relating to the home or site.

Conclusion

The Application is dismissed without leave to re-apply. The Residential Tenancy Branch does not have jurisdiction in this matter.

This decision 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: August 29, 2019

Residential Tenancy Branch