



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **DRI, CNC, FFT**

### **Introduction**

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of a Notice of Rent Increase pursuant to section 43;
- Cancellation of One Month Notice to End Tenancy for Cause (“One Month Notice”) pursuant to section 47;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

The landlord attended with AN (“the landlord”). The tenant attended.

The parties were given a full opportunity to be heard, to present affirmed testimony, make submissions, and call witnesses. I explained the hearing process and provided the parties with an opportunity to ask questions. The parties did not raise any issues regarding the service of evidence.

The parties stated they were not recording the hearing. They provided their email addresses to which the Decision shall be sent.

The landlord requested an Order of Possession in the event the application to cancel the One Month Notice was denied.

At the outset, the parties agreed the unit was located on reserve lands, that is Westbank First Nation Lands.

*Residential Tenancy Policy Guideline # 27 – Jurisdiction* states in part:

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.

I find that the unit is on reserve lands and the dispute is about use and possession.

Accordingly, further to the Act and *Policy Guideline # 27 – Jurisdiction*, I find I do not have jurisdiction to hear this application.

Therefore, the Application is dismissed without leave to reapply.

### Conclusion

The Application is dismissed without 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: July 14, 2022

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Residential Tenancy Branch