

## **DECISION**

Dispute Codes      MNDC, OLC, RR, O

### Introduction

This was an application by the tenant for a monetary order, for a rent reduction and for an order that the landlord comply with the *Residential Tenancy Act*. The hearing was conducted by conference call. The tenant participated in the hearing. The landlord did not attend although the application for dispute resolution and Notice of Hearing was personally served on the landlord's employee at the rental property on February 8, 2010.

### Background and Evidence

The rental unit is a room in a single room occupancy hotel in Vancouver. The tenancy began July 30, 2009 and runs from month to month with rent in the amount of \$375.00 due on the first day of each month.

Since January 23, 2010 the tenant has been harassed by another resident in the rental property. He occupies a unit on the same floor of the rental property. The tenant testified that he has singled out the tenant and acts purposefully so as to annoy and intimidate her. For example he makes a point of burping loudly outside the tenant's door when he knows that she is at home. The tenant recorded 11 instances of this behaviour over a period from January 23, 2010 to February 4, 2010.

The tenant has spoken to the building manager on four occasions, but no steps have been taken to address the issue. The tenant testified that she is losing the well being and enjoyment of her home as a result of the occupant's behaviour towards her.

The tenant's witness testified that she has observed the incidents and testified that it is very upsetting to the tenant. The tenant was away for a month. Since she returned on

or about March 20, 2010 the other resident has continued to harass her by performing exaggerated burping outside her door once or twice per night.

#### Analysis and Conclusion

I accept that the behaviour of the other occupant towards the tenant is not trivial and that it has become profoundly upsetting to her. I direct the landlord to take the necessary action to ensure that the offending occupant ceases his harassment of the tenant. I find that the tenant has experienced a loss of the quiet enjoyment of her rental unit due to the landlord's failure to take appropriate action. I find that the tenant is entitled to compensation for her loss of enjoyment in the amount of \$375.00 and I grant her a monetary order in the said amount. The tenant may deduct the said sum of \$375.00 from a future instalment of rent.

The tenant has leave to reapply in the event that the landlord does not take steps to end the harassment by the other resident.

Dated: April 06, 2010.

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