



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNSD, LRE, LAT, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order for compensation for damage or loss, suspend or set condition on the landlord's right to enter, authorize the tenant to change the locks and recovery of the filing fee. Both parties participated in the conference call hearing.

Issues to be Decided

Is the tenant entitled to any of the above under the Act.

Summary of Background and Evidence

At the start of the hearing the landlord's agent requested to make a statement to the tenant and was allowed to do so. The landlord's agent was very apologetic for entering the tenants' unit and assured the tenant a number of times that he would not use his key to enter her unit again.

The tenant testified that the landlord had entered her unit when she was in the shower and not available to answer the door. Because of this entry by the landlord's agent the tenant felt that her space had been desecrated and she felt very uncomfortable as the landlord's agent still had keys. The tenant understood that the landlord's agent would require keys to her suite even if the locks were changed as the landlord's agent may need to enter the suite in case of emergency. As the locks will not be changed this portion of the tenant's application is hereby dismissed.

The tenant while feeling that her space had been desecrated by the actions of the landlord's agent could not quantify a damage or loss that she incurred because of this incident. This portion of the tenant's application is hereby dismissed.

The tenant testified that she was still very concerned that this entry by the landlord's agent could happen again and Section 29 of the Act was referred to and read aloud for the benefit of both parties.

The landlord's agent stated that he had used keys to enter a tenant's suite 1 month prior to this incident when he could not contact the tenant in question and upon entering the

tenant's suite the landlord's agent discovered a very large bag of marijuana. It was because of this event that the landlord's agent, after not being able to contact the applicant, used his key for entry.

The landlord's agent stated that he understood section 29 of the Act regarding a landlord's right to enter and repeatedly assured the tenant that he would not use his key again to enter her suite. The landlord's agent agreed in this hearing that he will attempt to first contact the tenant by phone and understands that he should not be using a 24 hour notice, with multiple dates for entry to collect rent from tenants.

Analysis

Residential Tenancy Act **Section 29 Landlord's right to enter rental unit restricted**

(1) A landlord must not enter a rental unit that is subject to a tenancy agreement for any purpose unless one of the following applies:

- (a) the tenant gives permission at the time of the entry or not more than 30 days before the entry;
- (b) at least 24 hours and not more than 30 days before the entry, the landlord gives the tenant written notice that includes the following information:
 - (i) the purpose for entering, which must be reasonable;
 - (ii) the date and the time of the entry, which must be between 8 a.m. and 9 p.m. unless the tenant otherwise agrees;
- (c) the landlord provides housekeeping or related services under the terms of a written tenancy agreement and the entry is for that purpose and in accordance with those terms;
- (d) the landlord has an order of the director authorizing the entry;
- (e) the tenant has abandoned the rental unit;
- (f) an emergency exists and the entry is necessary to protect life or property.

(2) A landlord may inspect a rental unit monthly in accordance with subsection (1) (b).

Based on the documentary evidence and testimony I find that the tenant was not properly served with a notice of entry by the landlord's agent as multiple dates for entry and 'to collect rent' is not reasonable and the landlord's agent is hereby ordered to comply with the Act.

The balance of the tenant's application is hereby dismissed.

The tenant is entitled to recovery of the \$50.00 filing fee.



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Conclusion

The landlord's agent is hereby ordered to comply with the Act.

The balance of the tenant's application is hereby dismissed.

The tenant may deduct \$50.00 from future rent owed to the landlord for recover of the filing fee paid to bring their application.

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: December 14, 2010

Dispute Resolution Officer