



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNDC AAT RR O

Introduction

This hearing dealt with an application by the tenant for monetary compensation, an order allowing access to the rental unit, a reduction in rent for services or facilities agreed upon but not provided and an order eliminating the guest departure time. The tenant withdrew the portion of his application regarding loss of quiet enjoyment, as he was pursuing that matter separately. The tenant, the landlord and an interpreter for the landlord participated in the teleconference hearing.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation as claimed?
Should an order be granted allowing the tenant access to the rental unit?
Is the tenant entitled to a reduction in rent?
Should the landlord be ordered to comply with the Act regarding guest rules?

Background and Evidence

The tenant rents a room in a hostel-style house, and shares a bathroom with other tenants. In September 2010 the tenant and another tenant in the house successfully applied for monetary compensation for cleaning the bathroom on the third floor. The other tenant received an ongoing reduction of rent in the amount of \$50 per month for his services in cleaning the bathroom. The other tenant moved out of the house at the end of October 2010, and at that time the tenant took on the task of cleaning the bathroom.

On January 20, 2011, the landlord wrote the tenant a letter, informing him that he was not entitled to any compensation for cleaning the bathroom, as he was not asked to do so, and the landlord had decided to take on the cleaning herself.

On or about February 10, 2011, the landlord changed the locks on the third-floor bathroom door and informed the tenant that she was only allowing a female tenant to

use that bathroom. From that date, the tenant has had to go down to the first floor to use the bathroom and shower on that floor.

The tenant has applied for payment of \$50 per month for the months of November and December 2010 and January 2011 for his service of cleaning the third floor bathroom. The tenant also seeks an order allowing him to access the bathroom on the third floor. The tenant has applied for monetary compensation for the cost of his phone cards to participate in this teleconference hearing, as well as two previous teleconference hearings. Finally, the tenant seeks an order regarding a posted notice that requires tenants' guests to depart at 10:00 pm.

The response of the landlord was as follows. The tenant is not entitled to payment for cleaning the bathroom, as the reduction in rent for cleaning the bathroom only applied to the other tenant. The landlord has taken on the cleaning herself, and she has informed the tenant in writing that she would not pay him for any cleaning he may have done. There is a female tenant on the third floor, and the landlord decided to change access to the third-floor washroom so that only women may use it. The tenant should not be entitled to recovery of his costs related to the dispute resolution process. Finally, everyone else in the house has agreed to the rule about not having any guests after 10:00 pm.

Analysis

I do not find that there is any basis for the tenant to receive payment for cleaning the bathroom, as there was no agreement between the landlord and tenant in regard to the cleaning. The order regarding the other tenant's reduction in rent for cleaning the bathroom applied only to that tenant and ended with the end of that tenancy.

There is insufficient evidence to establish that use of the third-floor bathroom was part of the tenancy agreement. The tenant may be slightly inconvenienced by having to use the first-floor bathroom, but he has not been deprived of access to bathroom facilities. I therefore find that there is no basis for an order to allow the tenant access to the third-floor bathroom.

The only monetary amount related to the dispute resolution process that may be recoverable is the filing fee for the cost of an application. Therefore, the tenant is not entitled to recover the costs for his phone cards.

In regard to the rule about guest departure times, section 30 of the Act prohibits a landlord from unreasonably restricting access to a residential property by a guest of a

tenant. I find that the landlord's notice requiring that guests depart at 10:00 pm is contrary to this section of the Act.

Conclusion

I order that the landlord comply with section 30 of the Act, and not unreasonably restrict the tenant's guests from accessing the residential property.

The remainder of the tenant's application is dismissed.

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: March 29, 2011.

Residential Tenancy Branch