



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LRE, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order suspending or setting conditions on the landlord’s right to enter the rental unit – Section 70; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to a restriction of the Landlord’s access?

Background and Evidence

The tenancy began approximately six years ago. The Tenant states that in the past three years, the Landlord has been constantly pounding on his door for various reasons. On one occasion, the Landlord offered the Tenant food, on another occasion the Landlord offered the Tenant candy. The Tenant states that on these occasions, he opened the door and accepted the items from the Landlord but that he threw them out after 3 days. The Tenant states that he cannot refuse the Landlord entry into his unit as she is the Landlord. The Tenant states that on one occasion the Landlord entered his unit abruptly while his door was ajar and he was only clothed in his underwear. After several minutes of discussion between the Tenant and his interpreter without any of the Tenant’s statements being translated, the interpreter explained that he was having difficulties translating as the Tenant was making confusing statements.

The Landlord denies the Tenants statements of multiple entries but does agree that she did offer him food on a couple of occasions and that these items were considered traditional food and gifts in their culture. The Landlord specifically denies entering the Tenant’s unit without his permission. The Landlord states that she is 86 years old, disabled and legally blind and that because of her physical state she is unable to make

any such trips to the Tenant's unit. The Landlord states that the Tenant has been acting strangely for the past couple of months

Analysis

Upon careful consideration of the evidence of the Parties, I find that the Tenant has not substantiated any unauthorized entries into the unit by the Landlord. I accept the Landlord's evidence that any entries made by the Landlord were accepted by the Tenant. I caution the Landlord however to be diligent about any entries into the Tenant's unit and that she only approach his unit for entry when necessary to carry out her duties as the Landlord or for emergency reasons.

As the Tenant has failed to substantiate an entitlement to an Order restricting the Landlord's access, I dismiss the Tenant's application.

Conclusion

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: August 29, 2011.

Residential Tenancy Branch