

DECISION

Dispute Codes O

Introduction

This is an application filed by the Tenant for the Landlord to allow the quiet enjoyment of the rental unit. The Tenant is seeking an order to have the Landlord allow the Tenant to either install a \$1,500.00 high volume fan or to offer him the ability to move to a corner suite in the building with better ventilation to escape second hand tobacco smoke.

The Tenant attended the hearing by conference call and gave testimony. The Landlord did not attend.

Issue(s) to be Decided

Is the Tenant entitled to an order to comply with the Tenant's request as indicated above?

Background and Evidence

The Tenant states that the Landlord was sent the notice of hearing documents by registered mail on September 9, 2011 and has provided the registered mail item number (79566248825) as confirmation that the Landlord was properly served. The Tenant has not submitted any evidence.

The Tenant states that he has been living at the rental unit for approximately 6 years. The Tenant states that second hand smoke has been an issue of his tenancy since the beginning of his tenancy. The Tenant states that he was unaware that the building allowed smoking when he moved in, but has confirmed that it is a smoking allowed rental building.

The Tenant seeks an order to allow the Tenant to install a \$1,500.00 high volume fan in his neighbor's apartment at his own expense. The Tenant states that this request was rejected by the Landlord. The Tenant seeks in the alternative to have the Landlord allow him to move to a corner suite with better ventilation within the building. The Tenant states that the Landlord has also rejected this offer.

Analysis

I am satisfied based upon the undisputed testimony of the Tenant and the registered mail receipt tracking number that the Landlord was properly served.

Based upon the Tenant's own direct testimony, I find that the Tenant has failed to establish a claim for an order to have the Landlord comply. The Tenant stated in his direct testimony that he confirmed that the building was a smoking building and has lived with this issue for 6 years. The Tenant has shown no entitlement for this claim. The Tenant's application is dismissed.

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: October 03, 2011.

Residential Tenancy Branch