



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC

### Introduction

This hearing dealt with the tenant's application pursuant to section 62 of the *Residential Tenancy Act* (the *Act*) for an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement. Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The landlord confirmed that she received a copy of the tenant's dispute resolution hearing package handed to her father by the tenant on October 20, 2011. I am satisfied that the landlord was served with this package by the tenant.

### Issues(s) to be Decided

Should an order be issued to the landlord requiring the landlord to comply with the *Act*?

### Background and Evidence

This tenancy for a room in a downtown hotel commenced in 1994. The tenant's current monthly rent is \$398.97, payable in advance on the first of each month.

The tenant submitted his application to seek either the eviction of his next-door neighbour or his neighbour's relocation to another rental unit elsewhere in this hotel.

The tenant entered oral and written evidence that his neighbour has been responsible for a number of incidents over the past two years that cause problems for the tenant. He stated that the neighbour continuously invades his privacy and disturbs his quiet and peaceful enjoyment of his rental unit. He claimed that a recurring issue arises when his neighbour enters his room and harasses the tenant when the tenant leaves his door open. The tenant maintained that he has been threatened by his neighbour, leading to a recent visit to the property by the police.

The tenant alleged that he had spoken with the landlord approximately ten times over the previous year about the ongoing problem he is encountering with his neighbour. He also entered into written evidence a signed petition in which nine other tenants in this building alleged that they have had problems with his neighbour over the past two years.

The landlord acknowledged that this has become a difficult situation within her building. In addition to the tenant's complaints about his neighbour, she testified that she has received multiple complaints from the tenant's neighbour about the tenant over the past year. She said that the neighbour has alleged that the tenant is the source of their problems. The landlord said that many of the problems between her two tenants could be resolved or at least reduced if the tenant were to close his door when he is in his room. The tenant questioned why he should have to close his door when half of the tenants in this building leave their doors open when they are home.

### Analysis

At the hearing, I advised the tenant that the remedy that he was seeking was not one that I could provide. I observed that the rights of his neighbour would be compromised if I were to allow the tenant's application and issue an order requiring the landlord to evict his neighbour. Similarly, his neighbour's rights would also be denied if I were to order the landlord to relocate the neighbour to another room in this building. For these reasons, I dismiss the tenant's application to have an order issued against the landlord.

At the hearing, I noted that the landlord has offered to relocate his neighbour to another room, but thus far the neighbour has been unwilling to do so. During the hearing, the landlord also offered to let the tenant move to another room in the building at the same monthly rent if this would be of assistance to the tenant. The tenant said that he would be willing to move to another room at the front of this building at the same rent if one became available. The landlord said that no such room was presently available, but said that she would let the tenant know if one was coming available. In the interim, it would appear that the tenant can reduce his contact with his neighbour and potential conflicts if the tenant chooses to close his door when he is home.

At the hearing, I also noted that the tenant can apply for a monetary award for a reduction in his rent if he believes that his quiet enjoyment is being compromised by the landlord's failure to deal with the concerns he has about his neighbour. No such application is before me at this time.

### Conclusion

I dismiss the tenant's application without leave to reapply. In making this determination, I recognize that this finding does not prevent the tenant from applying in the future should different circumstances arise or should he seek a different remedy in his future 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: October 28, 2011

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Residential Tenancy Branch