

DECISION

Dispute Codes LAT, O

Introduction

This is an application filed by the Tenant for authorization to change the locks to the rental unit and a monetary order for compensation for unreasonable (illegal) notice of entry.

The Tenant did not attend. The Advocate, M.J.G. and the Landlord's Agent, B.S. attended the hearing by conference call.

As both parties have attended the hearing and have made detailed reference to the Tenant's evidence, I am satisfied that the Landlord was properly served with the notice of hearing and evidence package. The Landlord has not submitted any evidence.

At the beginning of the hearing it was clarified by both the Tenant's Advocate and the Landlord's Agent that the address listed on the application was incomplete. As such, both parties agreed that the dispute address should be 622 instead of the stated 604. It was also clarified and agreed that the building address was missing for all parties on the application and should be 431. As such, the Tenant's application shall be amended as such.

The Tenant's advocate states that he only has instruction to speak to the issue of a monetary claim for unreasonable entry into the Tenant's rental unit. On this basis as the Tenant has not attended the hearing, all issues applied for by the Tenant save the monetary compensation for unreasonable entry is dismissed without leave to reapply.

Issue(s) to be Decided

Is the Tenant entitled to a monetary order for compensation for unreasonable entry?

Background and Evidence

The Tenant's Advocate is seeking monetary compensation of \$100.00 and refers to a decision made on November 18, 2011, where the Advocate was the Applicant on RTB file no. 774178. The Advocate refers to the 2nd paragraph of the Analysis section. "Section 29 of the Act requires the landlord to either gain the tenant's permission or give

the tenant written notice before entering the rental unit. The notice must give the purpose for entering and the date and time of entry.” The Advocate states that the notice dated December 9, 2011 which was posted throughout the entire complex states a “notice of entry, Thursday, December 15, 2011 8:00am to 5:00 pm for Edwards Sprinkler will be conducting the annual fire alarm testing.” The Advocate states that this is in breach of the Decision received by the Advocate in his decision. The Tenant’s Advocate states that there be a specific time for entry. The Landlord has no comment.

Analysis

The Tenant’s Advocate refers to the decision made on November 18, 2011 and states that the time frame of notice of entry between 8:00am to 5:00pm is unreasonable. Section 29 of the Residential Tenancy Act states,

Landlord’s right to enter rental unit restricted

29 (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).

I find that the Tenant's Advocate has failed to establish a claim. Section 29 (1) (b) (i) and (ii) states, atleast 24 hours notice and not more than 30 days. **The purpose for entering, which must be reasonable and the date and time of entry, which must be between the 8am and 9pm.** The Tenant's Advocate claims that the notice of entry times between 8:00am to 5:00pm is unreasonable and I find that the Tenant's Advocate is incorrect in his interpretation of the Act. The entry time is clearly allowed within the time frame as outlined in the Act. 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: January 04, 2012.

Residential Tenancy Branch