



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC RP RR FF

Introduction

This hearing dealt with an application by the tenants for an order that the landlord comply with the Act, as well as orders for repairs and a reduction in rent. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on September 27, 2012, the landlord did not participate in the conference call hearing.

Issue(s) to be Decided

Should the landlord be ordered to comply with the Act?

Should the landlord be ordered to carry out repairs?

Are the tenants entitled to a reduction in rent?

Background and Evidence

The tenancy began on June 1, 2012, with a monthly rent of \$1150. The rental unit is a condo in a strata building. Since the outset of the tenancy, the front-door buzzer for the rental unit has not worked. The tenants contacted the strata manager, who informed the tenants that the landlord owed fees incurred from a previous tenancy, and the strata would not hook up the buzzer until the fees were paid. The tenants made written requests to the landlord on July 9, 2012 and August 7, 2012 for the landlord to take the necessary steps to have the buzzer hooked up. As of the date of the hearing, the landlord still had not taken steps to have the buzzer hooked up.

The tenants have requested a reduction in rent of \$150 per month from the outset of the tenancy for the loss of use of the front-door buzzer for their unit. The tenants have been greatly inconvenienced and embarrassed whenever they have visitors or order for food delivery. Further, for at least the first three weeks of the tenancy, the tenants only had one key, so if one tenant went out, they would have to call each other and drop the key out of the window to get back in. The tenants believe that the landlord will not take any

action to arrange for the buzzer to be hooked up unless there are significant financial repercussions.

Analysis

Under section 30 of the Act, a landlord must not unreasonably restrict access to residential property by the tenant of a rental unit that is part of the residential property, or a person permitted on the residential property by that tenant. In this instance, the landlord must pay the outstanding fees to the strata in order for the tenants to have reasonable access for themselves and their guests to the rental property, and the landlord has failed to address the issue. I find that it is appropriate to order the landlord to comply with section 30 of the Act and take steps to ensure that the front door buzzer for the rental unit is hooked up by October 31, 2012.

I do not find that it is necessary to order the landlord to carry out repairs.

I find that the tenants are entitled to monetary compensation for the lack of reasonable access to the rental unit. However, I do not find that \$150 per month is an appropriate amount of compensation for the loss of use of the front-door buzzer. I find that the tenants are entitled to compensation of \$100 for the month of June 2012, when they were more inconvenienced by only having one key and no ability to buzz each other in; they are entitled to compensation of \$50 per month for loss of the buzzer for each month of July through October 2012.

I agree with the tenants that the landlord's inaction in addressing this issue, despite two written requests, requires financial repercussions if the landlord does not take immediate steps to address this problem. Therefore, if the landlord fails to comply with my order by October 31, 2012, as of November 1, 2012 the tenants are entitled to compensation of \$100 per month until such time as the landlord complies.

As the tenants were largely successful in their application, they are entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The landlord is ordered to comply with section 30 of the Act and take steps to ensure that the front door buzzer for the rental unit is hooked up by October 31, 2012.

The tenants are entitled to monetary compensation of \$350, which they may deduct from their next month's rent.

If the landlord fails to comply with the order to comply with section 30 of the Act and ensure that the buzzer for the rental unit is functioning by October 31, 2012, the tenants may, as of November 1, 2012, deduct a further \$100 per month from their rent until such time as the landlord complies.

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 11, 2012.

Residential Tenancy Branch