



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC, LRE and FF

### Introduction

This application was brought by the tenant on September 13, 2012 seeking an Order for landlord compliance with the legislation and rental agreement, an Order restricting the landlord's right to enter the rental unit and recovery of the filing fee for this proceeding.

### Issue(s) to be Decided

This matter requires a decision on whether evidence submitted by the tenant indicates that issuance of the orders requested would be warranted.

### Background and Evidence

This tenancy is one of four bed sitting rooms in a heritage building. The tenant said he has resided in the rental unit since 1989, but the landlady's recollection was that the tenancy began sixteen years ago. Rent is \$305 per month.

During the hearing, the tenant gave evidence that he had come to believe the landlady had entered his room after three other tenants had told him they thought she had entered their rooms at some time and had left the doors unlocked.

The tenant said none of them had reported seeing the landlady enter his room and he had not found any sign of his room having been disturbed.

He said he had also had some concern after overhearing the landlady speak with the property manager below his window who stated he should be planning an inspection and was told by the landlady it might be best when the tenant was away.

The landlady stated that she had managed the heritage building for 24-years and kept keys for 35 other units for the city, and was well aware of the provisions of section 29 of the *Act* which requires 24-hour notice before entry unless the tenant agrees otherwise. I believe she is equally aware of the right to quiet enjoyment provided by section 28 of the *Act*.

### Analysis

After discussing the matter with the parties, I am absolutely persuaded that both are refined and respectful by nature and that neither would intentionally transgress on the rights of the other.

In the absence of concrete evidence that the tenant's room has been entered without notice or consent, I find that orders for compliance or restricting the right to enter are not appropriate in these circumstances, and that the best resolution will come from the wisdom of the parties. I find that the tenant should remain responsible for the filing fee for this proceeding.

### Conclusion

The application is dismissed with leave to reapply.

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 16, 2012.

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Residential Tenancy Branch