



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, RP, LRE

Introduction

This is an application filed by the Tenant for an order for the Landlord to comply with the Act, regulation or tenancy agreement, for the Landlord to make repairs to the unit, site or property and to suspend of set conditions on the Landlord's right to enter the rental unit.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package, I am satisfied that both parties have been properly served. Neither party submitted any documentary evidence.

Issue(s) to be Decided

Is the Tenant entitled to an order for the above?

Background and Evidence

This is a shared tenancy where the Tenant rents a room and shares the kitchen, living room and bathroom as common areas with other Tenants. Both parties agreed that there is no signed tenancy agreement and no provisions for how the common areas of the rental are shared.

The Tenant states that his roommates smoke in the rental unit which is contrary to the city smoking by-laws. The Landlord disputes this stating that the complaint was received from the Tenant and upon this he investigated the smoking problem and was told by all of the other Tenants that no one was smoking. The Landlord stated that he was unable to find any evidence of smoking. The Tenant disputes this.

The Tenant also seeks repairs for the electrical fuse box. The Tenant states that he is unable to use the built-in electrical heater because the breakers switch off from overuse when the upstairs Tenants plug in too many things. The Landlord has confirmed this in his testimony stating that the upstairs Tenants were advised to not plug in too many

devices into the outlets. The Tenant has confirmed that no further outages have occurred.

The Tenant seeks an order to suspend or set conditions on the Landlord's right to enter the rental unit. The Tenant states that he believes the Landlord has illegally entered his room and has threatened to steal his pants. The Landlord disputes this. The Tenant states that is unsure of who is stealing things from him.

Both parties mutually agreed that the Landlord would place a new lockset on the Tenant's rental door to alleviate any concerns that he has over theft of his personal belongings.

Analysis

I accept the direct testimony provided by both parties. I find that the Tenant has been unable to establish a claim that the city of Vancouver smoking by-laws apply to the inside of residential properties. The Tenant has failed to provide any evidence to support this claim. This portion of the Tenant's Application is dismissed.

I find that the Tenant has failed to establish a claim for the Landlord to make repairs. The Tenant has failed to provide sufficient evidence to satisfy me that the electrical fusebox requires repairs. The Landlord has provided a reasonable explanation of the periodic loss of power when the fusebox breakers turn off and the Tenant confirmed in his testimony that there has been no further problems with the fusebox.

Conclusion

Both parties agreed that the Landlord would place a new lock on the Tenant's rental door. The remaining portions of the Tenant's application are 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: May 31, 2013

Residential Tenancy Branch