



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding B.C. HOUSING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with an Application for Dispute Resolution filed on November 4, 2013, by the Tenant to obtain an Order for the Landlord to comply with the Act, regulation, or tenancy agreement.

The parties appeared at the teleconference hearing and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Has a resolution to this matter been determined?

Background and Evidence

The Tenant entered into consecutive fixed term tenancy agreements which began on June 1, 2012 and switched to a month to month tenancy after April 1, 2013. Rent is payable on or before the first of each month in the amount of \$328.00 and no security deposit was paid.

The Tenant testified that the door for the unit across the common hallway is constantly left open which causes smoke and other foul odors to spread into the hallway, the ventilation system, and into his unit. These odors cause him to cough. He has

requested the Landlord make the tenant, in that unit across from his, keep his door closed.

The Landlord testified that in August 2013 the Tenant applied to transfer to another unit for medical reasons. That transfer request has been approved but they are awaiting space in another unit. When asked how we could move forward to resolve this issue the Landlord stated the tenant in the opposing unit has given notice to vacate at the end of December 2013.

The Tenant confirmed that this will resolve the issue and stated that that tenant should not have to move out because of these issues; rather, he should just keep his door closed and purchase a ventilator system.

Analysis

The matter has been resolved as the alleged offending tenant has given notice to vacate as of December 31, 2013.

Conclusion

The matter has been resolved by the other tenant giving notice to vacate. Therefore, no further action is required and the file is closed.

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: December 17, 2013

Residential Tenancy Branch

