



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KEEFER ROOMS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes AAT, OLL

Introduction

The tenant applies for an order that the landlord comply with the Residential Tenancy Act, and allow access to the rental unit for his girlfriend.

No representative of the landlord attended the hearing. the tenant confirmed that he properly served the caretaker of the unit with notice of this hearing, and that her employer was aware of the hearing, and wanted to talk to him about it prior to the hearing.

Issue(s) to be Decided

Is the landlord required to provide access to the rental unit to the tenant's girlfriend?

Background and Evidence

This tenancy began in spring, 2013. The tenant's rent is paid directly to the landlord by way of government cheque, and the tenant believes the rent is \$430.00 per month.

On about 6 occasions over the past 2 months, the landlord's caretaker has refused to allow the tenant's girlfriend to enter the building. She tells her she cannot come in, and once threatened her with a broom.

Analysis

Section 30(1)(b) of the Residential Tenancy Act provides that a landlord must not unreasonably restrict access to residential property by a person permitted on the residential property by the tenant. By way of Section 9(1) of the Schedule to the Residential Tenancy Regulation, this requirement is imported as a standard term into every tenancy agreement. There is no evidence before me of any unreasonable circumstances that would permit the landlord stopping the tenant from having his girlfriend enter his unit as a guest. Based upon the tenant's testimony, I find that the landlord is in breach of these sections of the Act and Regulation, and the tenancy agreement.

The landlord is ordered to cease any further restriction of access to the unit by the tenant's girlfriend. Should any further interference occur, the tenant may make further application for further remedy, including financial remedy as against the landlord.

Conclusion

The landlord is ordered to cease any further restriction of access to the unit by the tenant's girlfriend.

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 16, 2013

Residential Tenancy Branch

