



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WEST HOTEL, #0750947 B.C. LTD., #0955802 B.C. LTD., PERSEOPOLISE CONTRACTING LTD., #0757745 B.C. LTD. and YAHYA NICKPOUR and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: *MNDC, RR*

Introduction

This hearing dealt with an application by the tenant, pursuant to the *Residential Tenancy Act*. The tenant applied for compensation in the amount of \$1,745.00 for being reused right of access to the rental unit and for illegal guest fees. The tenant has also applied for a rent reduction until his right of access is restored.

Both parties attended the hearing and gave affirmed testimony. The landlord acknowledged receipt of evidence submitted by the tenant.

Issues to be decided

Is the tenant entitled to a monetary order for compensation?

Background and Evidence

The tenancy started in August 2012. The monthly rent is \$425.00 payable on the first of each month. The rental unit is a room located in a hotel that contains other rooms for rent.

The tenant testified that the landlord's practice with regard to visitors and visiting hours contravenes the *Residential Tenancy Act*. The tenant stated that a notice is posted on the office window that specifies that the visiting hours are from 9am to 9pm and requires all visitors to present identification. This notice also states that identification that is not picked up will be placed in the tenant's mailbox. The tenant agreed that this practice has been in place since he moved in.

The current landlord purchased this property in January 2013 and continued to enforce this policy.

The tenant stated that his son visited him and was denied entry when he refused to provide identification. The tenant also stated that entry was denied if the person showed identification but refused to allow the hotel to retain it for the duration of the visit.

The landlord stated that pursuant to a city bylaw and the recommendation of the police, he was advised to identify all visitors to the hotel. The landlord did not have any documentation to support his testimony regarding the city bylaw.

The landlord explained that the hotel is located in an area that is frequented by drug dealers and other citizens who do not abide by the law and therefore in the interest of the safety of the hotel staff and occupants of the building and in the interest of protecting his property, he continues to enforce the policy of checking the identity of all visitors. The landlord stated that despite these measures, there have been incidents of theft from the hotel.

The tenant agreed with the landlord regarding the nature of the visitors to this area, but stated that he was a law abiding citizen and wanted to be treated that way.

The tenant stated that the landlord also charges \$20.00 for visitors after 10 pm and filed a photograph of a handwritten sign that notifies visitors of this charge. The tenant stated that through the tenancy he has paid for 16 such visits, seven of which have been to this landlord. The landlord denied having charged the tenant a visitor fee and the tenant did not have a receipt. The tenant filed a letter from his son that states that between September 2012 and March 2013, he was charged \$120.00 for six visits.

The tenant is applying for compensation in the amount of \$75.00 per month for 19 months of tenancy (\$1,425.00) plus \$320.00 for visitor fees for a total of \$1,745.00.

Analysis

Section 30(1) of the *Residential Tenancy Act* address tenant's right of access and states that

A landlord must not unreasonably restrict access to residential property by

- (a) The tenant of a rental unit that is part of the residential property, or
- (b) A person permitted on the residential property by that tenant

In this case, I accept the landlord's testimony regarding the measures he must take to maintain the safety and security of his property and to protect his staff and other occupants of the hotel. I find that the landlord is exercising his lawful right to protect his property and is not being unreasonable when he asks for identification of all visitors.

I further find that the landlord has imposed reasonable visiting hours. Therefore, I find that the tenant is not entitled to any compensation or rent reduction due to the landlord's policy regarding visitors.

However, the landlord may not charge for overnight visitors or visitors after 10pm and I order the landlord to refrain from doing so, if as the tenant alleged, he is currently in the practice of charging visitor fees. I also order the landlord to remove the sign regarding the payment of a visitor fee and to set up a policy allowing occupants to have occasional overnight visitors and/or occasional visitors after 10 pm.

Regarding the alleged payment made by the tenant for visitor fees, the tenant has not proven that he made such payment and the alleged last payment was in March 2013 which is about one year prior to this application. Therefore the tenant's application to be reimbursed for these fees is dismissed

Conclusion

The tenant's application is dismissed in its entirety.

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: April 25, 2014

Residential Tenancy Branch

