



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, LRE

Introduction

The tenant applies for a monetary award claiming a lack of heat in the premises. He also seeks an order that the landlords comply with the law and an order restricting access.

Neither landlord attended for the hearing. The tenant testifies that on November 30, 2014 he personally served each landlord with a copy of the application and notice of hearing. I note that the landlords have filed evidence for this. I find the landlords were duly served and are aware of the hearing today.

On the undisputed evidence of the tenant I find that the baseboard heaters in his two bedroom basement suite were not functioning for approximately a month and a half during October and November 2014 and that the landlords were informed but failed to attend to repair in a timely manner. As a result the tenant was left without heat but for that from his stove.

The tenant is entitled to compensation. The evidence he provides in regard to loss or inconvenience is very limited. He says it was cold in the mornings before he left for the day. Based upon this very limited evidence I consider an award of \$100.00 to be appropriate.

The tenant says he was verbally evicted. Though he still resides in the premises he is looking for new accommodation. A “verbal” eviction is of no effect in this province. The *Residential Tenancy Act*, s. 44 (1) provides that a landlord may unilaterally end a tenancy only in accordance with that *Act*. The *Act* provides that a landlord must give written notice in the statutory form.

The tenant testifies that in mid-November 2014 the landlord Mr. H.N. entered the rental unit without authorization, intoxicated and began pushing the tenant, threatening that he

would remove the tenant's belongings from the suite. The Act provides that a landlord must not enter a tenant's suite unless the entry is pursuant to a written notice of entry as provided for in the *Act*, or unless the entry is with the tenant's specific authorization. I direct that the landlord Mr. H.N. not enter the rental unit under any but emergency circumstances unless accompanied by another, unrelated adult. This direction must be served on either landlord before it takes effect.

Conclusion

The tenant's application is allowed. I authorize him to reduce his January rent by \$100.00 in full satisfaction of the award.

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This decision was rendered orally at hearing and 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 30, 2014

Residential Tenancy Branch

