



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes:

AAT, OLC

Introduction

This hearing was convened in response to an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order for the landlord to Comply with the Act - Section 62;
2. An Order to allow access to the unit for the tenant's guest – Section 30 and 70.

Both parties appeared and provided testimony and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party. The landlord appeared in this matter by way of their representative / agent for the landlord. Neither party provided document evidence to this matter.

Issue(s) to be Decided

Should the landlord be Ordered to Comply with the Act?

Background and Evidence

The undisputed evidence of this matter of both parties is that the landlord has effectively barred the tenant's guest, W.W., from the residential property, and therefore, from the tenant's rental unit. The named landlord respondent in this matter made this decision, although they did not personally appear in this matter. The landlord's representative testified the decision was made for 2 reasons: 1). *because W.W. is, "unsafe around women", and, 2). because it is the landlord's policy to deny access to prior residents of the property if they owe the landlord a financial obligation*, which purportedly is the case for W.W. The tenant wants for W.W. to be able to visit them.

Analysis

Section 30(1) of the Act states as follows:

Tenant's right of access protected

30 (1) 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 matter, the tenant has a *right* under the Act to have permitted guests. In this matter, the landlord has the burden to provide evidence that their restriction or denial of the tenant's *right* is reasonable. I find that the landlord's second reason is not valid nor reasonable so as to restrict access to the tenant's guest; and, I find the landlord has not provided sufficient evidence to support the validity of their first reason for restricting access to the tenant's guest.

As a result of the above, **I Order** the landlord to comply with Section 30(1) of the Act – and effectively permit access to the tenant's guest.

Conclusion

The tenant's application is allowed.

The landlord is **Ordered** to comply with Section 30(1) of the Act.

This Decision is final and binding on both parties.

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: January 05, 2015

Residential Tenancy Branch

