



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, ERP, RP

Introduction

The above three files have been joined together to be heard at the same time as they all deal with the same issue of alleged foul odors in the rental property.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties and the witnesses the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties and the witnesses.

Issue(s) to be Decided

The issue is whether or not there are foul odors permeating the rental property and whether to issue an order to the landlord to deal with the alleged odors.

Background and Evidence

All of the tenants and the tenant's witnesses testified that there had been extremely foul odors emanating throughout the building, and particularly in the laundry rooms.

The tenants stated that they do not believe the landlord has taken reasonable steps to deal with the odors.

The tenants reported odors such as sewer gas, damp laundry smells, and musty smells.

The tenants also testified that although, at this time, the smell is not as strong, they believe that that is just a seasonal issue and that the smell will get worse again.

All three of the witnesses for the tenants testified that the smell is much better now and that there is no smell in the lobby or the hallways.

The landlord testified that they have done all they can to resolve the issues of the smells, including having plumbers inspect the rental property, a restoration company inspect the rental property, vents have been put in the laundry areas to allow for more air exchange, and an air scrubbing machine was used to take out any odor that may have existed in the laundry rooms.

The landlord has supplied reports from a plumbing service that inspected the drain lines and that report states that everything is working great and could not smell any gases at all.

The landlord also supplied a report from a second plumbing company who did a camera inspection of the drains and found them to be flowing freely and also reported that they could smell no plumbing odors in the lobby, hallways, or laundry room.

The landlord further testified that he cleans the washing machines on a daily basis to ensure that the smell from the washing machines is kept at a reasonable level.

The landlord further stated that they even had a mold inspection done by mold professionals, and the conclusion was that the mold spore levels were not elevated.

Analysis

It is my finding that the landlord has taken reasonable steps to deal with the reported foul odors in the rental property and it appears that the steps the landlord has taken have made a significant improvement.

The tenants and all the witnesses have stated that the odors are much reduced now and in fact the witnesses reported either smelling no foul odors, or only wet laundry smells which would be normal for a laundry room.

One of the applicant's argued that she believes this is only a seasonal improvement and that it will not last, however at this point there is no evidence to show that this problem will recur.

One of the applicants also argued that the problem has not been fixed and that it is still very smelly in the hallways, however the testimony of two of the witnesses contradicted that testimony, stating that there was no smells in the lobby or hallways.

Based on all the evidence and testimony presented it is my decision that the applicants have not met the burden of proving that there is presently a problem with foul odors in the rental property.

Conclusion

These three applications are all dismissed, and I will not be issuing any orders.

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: May 13, 2015

Residential Tenancy Branch

