



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP, LRE, FF

Introduction

A hearing was conducted by conference call in the presence of the tenant and in the absence of the landlord. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord on June 12, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

- a. Whether the tenants are entitled to an order to suspend or set conditions on the Landlord's right to enter the rental unit?
- b. Whether the tenants are entitled to an order for repairs?
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on April 1, 2015. The tenancy agreement provided that the tenant(s) would pay rent of \$500 per month payable on the first day of each month. The tenant(s) did not pay a security deposit.

The tenant testified the landlord has entered her rental unit on many occasions including the following dates:

- April 7, 23, 29
- May 23, 26
- June 11, 12, 13, 16

The landlord entered for the purpose of making repairs, checking a fire alarm and on the basis that she heard the water running on the toilet.

The landlord has not entered the rental unit since June 16, 2015. The Application for Dispute Resolution is dated June 12, 2015. The tenant asks that I order the landlord be prohibited from entering the rental or that the locks be changed.

Analysis - Application for an order to suspend or set conditions on the Landlord's right to enter the rental unit.

Section 29 of the Residential Tenancy Act provides as follows:

Landlord's right to enter rental unit restricted

- 29** (1) A landlord must not enter a rental unit that is subject to a tenancy agreement for any purpose unless one of the following applies:
- (a) the tenant gives permission at the time of the entry or not more than 30 days before the entry;
 - (b) at least 24 hours and not more than 30 days before the entry, the landlord gives the tenant written notice that includes the following information:
 - (i) the purpose for entering, which must be reasonable;
 - (ii) the date and the time of the entry, which must be between 8 a.m. and 9 p.m. unless the tenant otherwise agrees;
 - (c) the landlord provides housekeeping or related services under the terms of a written tenancy agreement and the entry is for that purpose and in accordance with those terms;
 - (d) the landlord has an order of the director authorizing the entry;
 - (e) the tenant has abandoned the rental unit;
 - (f) an emergency exists and the entry is necessary to protect life or property.
- (2) A landlord may inspect a rental unit monthly in accordance with subsection (1) (b).

On several occasions the landlord has entered the rental unit when she was not authorized to do under section 29 of the Act. While the landlord may have legitimate reasons for entering the rental (i.e. repairs, to deal with a possible emergency etc.) the landlord is required to follow the Act. I am not satisfied that it is appropriate to make an order that the landlord change the locks or be prohibited from entering the rental unit. I order that the landlord comply with section 29 of

the Residential Tenancy Act which sets out restrictions of the landlord's right to enter the rental unit.

Application for a Repair Order

The tenant testified the repairs have been completed and it is no longer necessary to consider the application for a repair order.

Filing fee

I ordered the landlord(s) to pay to the tenant the sum of \$50 for the cost of the filing fee.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: July 20, 2015

Residential Tenancy Branch

