



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

AAT; FF

Introduction

This is the Tenant's application for an Order that the Landlord allow access to (or from) the rental unit for the Tenant or her guests; and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed testimony at the Hearing.

It was determined that the Tenant served the Landlord with the Notice of Hearing documents by registered mail.

Issues to be Decided

- Is the Tenant entitled to the Order sought, pursuant to the provisions of Section 30 of the Act?

Background and Evidence

A copy of the tenancy agreement was provided in evidence. This tenancy began on January 1, 2009. Monthly rent is \$950.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$475.00 on December 10, 2008. The rental unit is a condominium.

The Tenant gave the following testimony:

The Tenant testified that in July, 2015, new fobs were issued by the strata corporation and the old fobs were deactivated. She stated that the Landlord will not provide her with more than one fob and that she requires an additional fob for her boyfriend, emergencies and guests. The Tenant submitted that it is not an unreasonable request.

The Landlord's agent gave the following testimony:

The Landlord's agent stated that the strata corporation only allows owners and tenants to have fobs. She stated that the Tenant is the only tenant in the tenancy agreement and that there is a restriction on the number of fobs that are issued per strata unit without permission of the strata corporation. She stated that the strata corporation received reports that fobs were being lost or given out to friends, which is a security risk, and that therefore the building was rekeyed at considerable expense. She testified that there is a secure intercom in the building for guests to use and therefore there is no problem with access. The Landlord's agent stated that her insurance premium has gone up 100% because of the additional occupant in the rental unit. The Landlord's agent stated that for these reasons, she would not provide the Tenant with an additional fob.

Analysis

The Tenant seeks an Order that the Landlord comply with the provisions of Section 30 of the Act. Section 30 of the Act provides:

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.

(2) A landlord must not unreasonably restrict access to residential property by

- (a) a candidate seeking election to the Parliament of Canada, the Legislative Assembly or an office in an election under the *Local Government Act*, the *School Act* or the *Vancouver Charter*, or

- (b) the authorized representative of such a person

who is canvassing electors or distributing election material.

I do not find that the Landlord has unreasonably restricted access to the rental property or to the rental unit. I accept the Landlord's submission that for, reasons of security, it is necessary to restrict the provision of fobs to tenants and owners. I find that the Tenant's boyfriend is not the Landlord's tenant. I also accept that it is a considerable

expense to rekey the rental property in order to maintain security for all of the tenants and owners. There is an intercom for use by the Tenant's guests.

Therefore, for the reasons provided above, I dismiss the Tenant's application.

Conclusion

The Tenant's application is dismissed.

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: September 18, 2015

Residential Tenancy Branch

