



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding South Okanagan Similkameen Brain Injury Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for an order that the landlord comply with the *Act*, regulation or tenancy agreement.

The tenant and an agent for the landlord attended the hearing and the landlord's agent was accompanied by an observer who did not take part in the proceedings.

During the course of the hearing the parties agreed to settle this dispute in the following terms:

1. The landlord will continue to complete annual and daily inspections and if any evidence is found of smoking on balconies or within 3 meters of doors within the rental complex, the landlord will follow the landlord's policy of:
 - a. Speaking to non-conforming tenants and guests about the requirements of the *BC Tobacco Act*;
 - b. If not satisfied with the result, issue a warning letter; and
 - c. After 3 letters, review the person's tenancy.
2. The tenant will mitigate any discomfort of other tenants smoking any substance on their balconies by putting a complaint in writing to the landlord.

Conclusion

I hereby order the landlord and the tenant to comply with the settlement agreement set out above.

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: December 02, 2015

Residential Tenancy Branch

