



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TORRENT REAL ESTATE SERVICES INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OLC, PSF, ERP, RP

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act*, for an order seeking landlord's action to comply with the *Act*, provide services and carry out repairs. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The tenant's advocate also attended the hearing.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be decided

Is the landlord negligent with regard to repairs and maintenance of the building? Has the landlord provided adequate facilities for use by tenants?

Background and Evidence

The tenancy started in August 2011. The monthly rent is \$460.00 payable on the first of each month. The rental unit consists of a room in a building that houses 41 rental units. The washrooms and laundry are shared by the occupants of the rental units.

The tenant stated that the landlord should provide individual mail boxes to the tenants to enable them to receive their mail in a timely fashion. The tenant stated that he is inconvenienced by the late receipt of his income cheque.

The landlord stated that the mail is delivered by Canada Post on weekdays and is placed in a common locked mail box.

The manager has access to the mail box and is on site every day from 3pm to 5pm. During this time, one of his duties is to deliver mail to each tenant in person.

The tenant stated that the mail arrives around 11:30 am and it is delivered to him approximately five hours later. The tenant agreed that this has been the practice since the start of his tenancy.

The tenant stated that the washrooms are not maintained in a clean condition. The landlord stated that there are enough washrooms for the use of 10 people at any given time. These washrooms are cleaned every day. In the event of an emergency clean up, the landlord has provided the occupants of the building with an emergency number that they can call and ask for help.

The landlord also stated that if one of the washrooms has been messed up by an occupant of the building, there are at least 9 more that can be used until help arrives. The tenant agreed that the washrooms are cleaned every day and that the landlord has provided the occupants of the building with an emergency contact number.

The tenant also complained that garbage cans are stored in the laundry room and there are times when the odor of garbage and fruit flies fill the laundry room, making it uncomfortable for him to do laundry. The tenant also stated that there are three big garbage cans that the residents must place their garbage in, but the landlord allows the residents to use only one of them. As a result, the residents just leave garbage on the floor when the can is full.

The landlord replied that there is no other place that can accommodate the garbage cans and that the three cans are all available for use by the residents. The landlord also pointed out that the garbage is cleared every single day.

The tenant stated that the glass on the main entrance doors is dirty and opaque as a result of dirt and paint. This makes it difficult to see through the glass and identify the person wanting to enter the building.

The tenant also stated that the door buzzer does not work and therefore the tenants are unable to allow their visitors to enter the building without physically walking to the main door to do so. The tenant stated that the buzzer broke down and never got repaired and that in addition to the inconvenience of having to manually open the door for visitors, the tenant is unable to see clearly through the glass prior to opening the door. This compromises the safety and security of the building and its occupants.

Analysis

Based on the sworn testimony of both parties, I find as follows:

Mail delivery

Since the start of tenancy, the landlord has engaged in the practice of delivering mail to the residents in person, every day. I find that this is a reasonable arrangement especially since the tenant receives his mail on the same day that it is delivered to the building by Canada Post.

Cleanliness

The facilities are cleaned every day and the residents have a contact number in case an emergency cleanup is required. In addition, even though the washrooms are shared, I find that the landlord has provided an adequate number of washrooms for the occupants of the building which will accommodate the temporary closure of one or two washrooms.

Garbage

The landlord stated that the garbage cans were always located in the laundry room because it was not safe to keep them outside the building and there is no other location available inside the building. The garbage is cleared every day and there are three cans available for residents to place their garbage in.

While having garbage cans in a laundry room is not ideal, I find that they were always placed there and the garbage is cleared every day. The tenant indicated that the landlord disapproved of use of all three cans and therefore I order the landlord to ensure that all the cans are available for use by the residents and to take additional steps to combat the presence of odor and fruit flies

Security

Based on the testimony of both parties, I do not accept the landlord's rebuttal that the buzzer system is not mentioned in the tenancy agreement and that there is no section in the *Act* that mandates landlords to install buzzer systems. The landlord agreed that there was a buzzer system installed in the building and that it did not get repaired after it broke down.

The *Act* and the tenancy agreement are not all inclusive and if they were, then they would have to include items like door knobs, light switches and other items that are part of everyday living. I find that a buzzer system is necessary for the use, convenience and safety of the occupants.

I order the landlord to have the glass panels of the main entry doors cleaned and to repair the buzzer system. The landlord must have the buzzer system repaired or replaced within a reasonable amount of time. If the work is not completed within three months of receipt of this decision, the tenant is at liberty to file another application for dispute resolution.

Conclusion

I order the landlord to allow the residents to use three garbage cans effective immediately.

I order the landlord to clean the glass panels on the main entry doors immediately.

I order the landlord to install a buzzer system that allows tenants to grant access to their visitors, from their rooms, within three months of receipt of this decision.

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: April 06, 2016

Residential Tenancy Branch