



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding NORTHSTAR INTERNATIONAL MOTEL LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC OLC LRE

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("the *Act*") for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions. The landlord's agent, GM, testified on behalf of the landlord in this hearing and was given full authority by the landlord to do so by the landlord.

The landlord's agent indicated at the beginning of the hearing that the landlord was not opposing the tenant's application to cancel the 1 Month Notice dated November 17, 2016. Accordingly the 1 Month Notice to End the Tenancy is cancelled, and the tenants' application for the cancellation of the 1 Month Notice is allowed.

### Issue(s) to be Decided

Are the tenants entitled to an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement?

Are the tenants entitled to an order to suspend or set conditions on the landlord's right to enter the rental unit?

### Background and Evidence

The tenant, IG, testified that the landlord was abusive, and used illegal tactics towards the tenants in the building, including entering suites without direct notice, or notice at all. The tenant, IG, testified that he was protecting females on his floor, and testified that

there was at least one occasion when a man had entered while the female tenant was in the shower. During the hearing, the tenants did not provide any specific dates or times of this illegal entry. In the tenants' Application for Dispute Resolution, the tenants submitted that on the afternoon of November 16, 2016 the landlord's management illegally entered the suite while the tenant was sleeping, and that the management was harassing the tenants. This specific incident was not brought up during the hearing. The tenant, IG, simply submitted that "the streets will talk".

The landlord's agent testified that he had no information before him about any illegal entries, and testified that 60 per cent of the tenants' rooms were serviced, per the tenancy agreement, on a daily basis by housekeeping staff. The agent also testified that tenants were given proper notice before entering by way of posting around the building. The landlord's agent submitted that all interaction was respectful, and disputed the tenants' testimony that the landlord was abusive and used illegal tactics.

### Analysis

**Section 29** of the Act, in part, states 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...:

(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 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...

While the tenants have raised concerns about the landlord and the landlord's management's behaviour being abusive and illegal, the tenants did not provide any specific examples of any abusive or illegal activity, nor did the tenants provide any witness testimony to support this. The tenant's submissions about illegal entry to the suite were disputed by the landlord's agent, who provided an appropriate explanation for how and why the landlord accessed the suites.

**Section 70** of the *Act* allows the director to make an order to suspend or set conditions on the landlord's right to enter a rental unit. I find that insufficient evidence was provided to demonstrate that the landlords have acted in an abusive or illegal manner towards the tenants. Although the tenants have expressed concern about illegal entry into the suite, the landlord provided a satisfactory response regarding the tenants' allegations in this regard. I find that the tenants have failed to demonstrate to the extent required that the landlord has contravened section 29 of the *Act*, and accordingly I am dismissing the tenants' application for the issuance of an order under section 70.

#### Conclusion

The landlord's 1 Month Notice to End the Tenancy is cancelled and of no continuing force, with the effect that this tenancy continues until ended in accordance with the *Act*.

The remainder of the tenants' application is **dismissed**.

**This Decision is final and binding on both parties.**

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 29, 2016

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Residential Tenancy Branch