



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OLC, O

### Introduction

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

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62.

Both parties attended the hearing via conference call and provided affirmed testimony. The tenant stated that the landlord was served with the notice of hearing package via Canada Post Registered Mail on February 15, 2017. The landlord confirmed receipt of the tenant's package as claimed. The tenant did not submit any documentary evidence. The landlord submitted documentary evidence that was not served to the tenant, but both parties acknowledged that this evidence was previously provided to the tenant on February 20, 2017. I accept the undisputed affirmed evidence of both parties and find that both parties have been sufficiently served as per section 90 of the Act.

I note the landlord's agent was having difficulty understanding the hearing process and caution the landlord that it is the responsibility of the landlord to be properly prepared in responding to an application for dispute. This also includes having staff with sufficient language skills to respond to any issues during the hearing.

### Issue(s) to be Decided

Is the tenant entitled to an order for the landlord to comply with the Act, regulations or tenancy agreement?

### Background, Evidence and Analysis

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

The tenant seeks an order for the landlord to comply with an order of the Residential Tenancy Branch Decision dated January 24, 2017. It states in part,

*Smoking is permitted inside the building and the tenant was aware of this provision when she moved into the building. While it is unfortunate that the health of the tenant is aggravated by second hand smoke, the landlord is unable to create a no smoking policy for the existing tenants. However, the landlord is in a position to enforce a no smoking of marijuana without a permit policy. **I order the landlord to send out a memo to all tenants reminding them of this policy and to investigate complaints regarding its use.***

Both parties have acknowledged that the landlord has issued a memo dated February 20, 2017 to all of the residents of the rental property. I find that perhaps the tenant applied prematurely 17 days after the original decision regarding the order on January 24, 2017 and/or perhaps the landlord was lax in complying by issuing the memo on February 20, 2017 some 27 days after the original decision. In any event the tenant has been successful in her application as the landlord has now complied with the order. No further action is required.

### Conclusion

The tenant's application has been successful as the landlord has complied with the original order by issuing the memo dated February 20, 2017.

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: March 10, 2017

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Residential Tenancy Branch