



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *DRI, LRE, FF*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act*, to dispute a rent increase and to recover the filing fee. The tenant also applied for an order to suspend or set conditions on the landlord's right to enter the rental unit.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenants represented themselves. The landlord was represented by legal counsel. As both parties were in attendance I confirmed service of documents. The parties confirmed receipt of each other's evidence. I find that the parties were served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

On July 12, 2018, the tenant applied to dispute a notice of rent increase, served on him by the landlord on June 29, 2018. During the hearing the landlord confirmed that this notice was withdrawn and that the tenant was informed in writing on August 20, 2018. Accordingly this hearing only dealt with the tenant's application for an order to set conditions on the landlord's right to enter the rental unit and for the filing fee.

Issues to be decided

Is the landlord in compliance with the *Act* with regard to entry into the rental unit? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started in April 2015. The current monthly rent is \$960.00 payable on the first day of each month. The tenant stated that the landlord visits the rental unit without providing proper notice and has also visited the unit in the absence of the tenant. The tenant requested that conditions be set on the landlord's right to enter the unit.

Analysis

Regarding the landlord's right to enter the rental unit, Section 29 of the *Residential Tenancy Act* states that a landlord must not enter a rental unit that is subject to a tenancy agreement for any purpose unless one of the following applies:

- (a) the tenant gives permission at the time of the entry or not more than 30 days before the entry;
- (b) at least 24 hours and not more than 30 days before the entry, the landlord gives the tenant written notice.

I hereby put the landlord on notice that he may enter the rental unit only on provision of at least 24 hours' written notice to the tenant. During the hearing the landlord's agent confirmed that the landlord will comply with section 29 of the *Residential Tenancy Act* and provide proper notice to the tenant, prior to entering the rental unit.

The landlord served the notice of rent increase on June 29, 2018 and withdrew it on August 20, 2018. Since the tenant made application to dispute the notice prior to the withdrawal of the notice, I find that the tenant is entitled to the recovery of the filing fee. The tenant may make a one-time deduction of \$100.00 from rent that is due on October 01, 2018.

Conclusion

The tenant may make a onetime deduction off rent for October 2018 in the amount of \$100.00.

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 04, 2018

Residential Tenancy Branch