



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC PSF FF

Introduction

This hearing was convened pursuant to an Application for Dispute Resolution, made on September 10, 2018 (the “Application”). The Tenant sought the following relief pursuant to the *Residential Tenancy Act* (the “Act”):

- an order that the Landlord comply with the *Act*, regulation, and/or the tenancy agreement; and
- an order that the Landlord provide services or facilities required by the tenancy agreement or law; and
- an order granting recovery of the filing fee.

The Tenant and the Landlord attended the hearing at the appointed date and time, and provided affirmed testimony.

The Tenant testified the Application package was served on the Landlord in person. The Landlord acknowledged receipt. No issues were raised during the hearing about service or receipt of these documents. Pursuant to section 71 of the *Act*, I find the Application package was sufficiently served for the purposes of the *Act*.

The Landlord submitted documentary evidence to the Residential Tenancy Branch. However, she conceded it was not served on the Tenant. As a result, the Landlord’s documentary evidence has been excluded from consideration.

The parties were given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

1. Is the Tenant entitled to an order that the Landlord comply with the *Act*, regulation, and/or the tenancy agreement?
2. Is the Tenant entitled to an order that the Landlord provide services or facilities required by the tenancy agreement or law?
3. Is the Tenant entitled to an order granting recovery of the filing fee?

Background and Evidence

The tenancy agreement submitted into evidence confirmed the tenancy began on March 1, 2015. Rent in the amount of \$450.00 per month is due on the first day of each month. The Tenant paid a security deposit of \$225.00, which the Landlord holds.

The Tenant testified that he has parked his electric bicycle beneath the stairs at the rental property for roughly a year. However, he recently received a notice from the Landlord requesting payment of \$35.00 per month for parking. The Tenant submitted he should not have to pay for storage of his electric bicycle.

The Tenant raised other issues during the hearing. First, he testified that he feels uncomfortable because he cannot have friends over at his rental unit. Second, the Tenant stated that he plays music in his rental unit but never after 10:00 p.m. Third, the Tenant testified that his children stay with him on weekends. Ultimately, the Tenant stated that he feels harassed and wants to be left alone.

In reply, the Landlord acknowledged she has requested \$35.00 per month to store his electric bicycle in a shed on the rental property. She also testified that she otherwise needs the space for her belongings.

In addition, the Landlord stated that the Tenant plays loud music that causes her to get headaches.

Finally, the Landlord testified that the Tenant's' children are at the property too frequently and were there for 3-4 weeks on one occasion.

Analysis

In light of the oral and documentary evidence, and on a balance of probabilities, I find:

With respect to the Tenant's submission regarding the Landlord's request for payment for storage of his electric bicycle, section 62 of the *Act* confirms the "director may make any order necessary to give effect to the rights, obligations and prohibitions under this *Act*, including an order that a landlord or tenant comply with this *Act*, the regulations or a tenancy agreement". In this case, the Tenant disputes the Landlord's notice requesting a storage fee of \$35.00 per month the Tenant's electric bicycle. On examination of the tenancy agreement submitted, there is no provision for storage of the Tenant's personal belongings with which the Landlord may be ordered to comply. Rather, I find it is reasonable in the circumstances for the Landlord to request a nominal fee for storage of the Tenant's electric bicycle at the rental property.

With respect to the Tenant's submissions regarding guests and children at the rental property, I find there is insufficient evidence before me to conclude the Landlord has not complied with the *Act*, regulation, and/or the tenancy agreement. However, the parties are reminded that section 9 of the Schedule to the Residential Tenancy Regulation confirms that a "landlord must not stop the tenant from having guests under reasonable circumstances in the rental unit...[or] impose restrictions on guests and must not require or accept any extra charge for daytime visits or overnight accommodation of guests."

With respect to the Tenant's submission regarding harassment by the Landlord, I find there is insufficient evidence before me to conclude the Landlord has harassed or otherwise limited the Tenant's use of the rental unit. However, the parties are reminded that section 28 of the *Act* protects a tenant's right to reasonable privacy, freedom from unreasonable disturbance, exclusive possession of the rental unit, and reasonable use of common areas. Similarly, section 47 of the *Act* permits a landlord to issue a notice to end tenancy for cause for a number of reasons, which include significant interference with or unreasonably disturbing a landlord.

During the hearing, the Tenant did not refer me to any services or facilities agreed upon but not provided.

In light of the above conclusions, I find the Application is dismissed, without leave to reapply.

Conclusion

The Tenant's Application is dismissed, without leave to reapply.

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: October 22, 2018

Residential Tenancy Branch