



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OLC, LRE, FFT

Introduction:

The Application for Dispute Resolution filed by the Tenant(s) seeks the following:

- a. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- b. An order restricting or suspending the landlord's right to enter the rental unit.
- c. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlords by mailing, by registered mail to where the landlords reside on July 18, 2019. With respect to each of the applicant's claims I find as follows:

The tenant sought compensation and raised a number of issues that were not identified in her Application for Dispute Resolution. Rule 2.2 of the Rules of Procedure provide as follows:

2.2 Identifying issues on the Application for Dispute Resolution

The claim is limited to what is stated in the application.

As the claims for reimbursement of certain items of cost were not identified in her Application for Dispute Resolution I determined that I did not have jurisdiction to consider them.

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the Tenant(s) are entitled to an order that the landlord comply with the Residential Tenancy Act, Regulations and/or tenancy agreement?
- b. Whether the Tenant(s) are entitled to an order restricting or suspending the landlord's right to enter the rental unit?
- c. Whether the Tenant(s) are entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on March 30, 2017. The written tenancy agreement provided that the tenant(s) would pay rent of \$900 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$450 at the start of the tenancy.

The rental unit is part of a shared house. MR and GR live in the main part of the house. That part of the house has separate entrances. The tenant lives in a suite above the 3 car garage. The tenant can access her suite going through the garage doors as well as separate doors that lead to a mud room. The mudroom has laundry facilities, storage and a freezer. The laundry is shared by the tenant and the landlord.

There is a stairway leading from the mudroom to a landing at the top of the stairs. From that landing one can access the tenant's suite which has a secure door. The parties agree that the tenant has exclusive use of the storage at the top of the stairs as well as a patio that is off of the landing.

MR and GR are the parents and parents-in-law of MP and WP. MP and WP do not live on the property. At the request of MR and GR, MP and WP accessed the laundry room/mudroom to gain access to the main house. The tenant expressed concerns about what were the boundaries of the rental unit that she has rented. The written tenancy agreement does not identify the precise boundaries.

All four landlords agreed the tenant had the exclusive right to occupy the stairs leading up to the tenant's suite, the landing at the top of the stairs, the storage areas off of the landing and the patio that leads off of the landing.

The four landlords agreed they, and persons acting on their behalf would not access the stairs leading to the tenant's rental unit, the landing at the top of the stairs, the storage areas and the patio off of the landing without giving the tenant notice as provided by the Residential Tenancy Act.

The tenant stated she agreed to this.

Order:

As a result of the settlement I ordered that the MR, GR, WP and MP and persons acting of their behalf shall not access the access the stairs leading to the tenant's rental unit, the landing at the top of the stairs, the storage areas and the patio off of the landing without giving the tenant notice as provided by the Residential Tenancy Act.

The Application for Dispute Resolution sought reimbursement of the cost of the filing fee in the sum of \$100. The landlord did not agree. I determined that the tenant raised a concern that the parties were unable to deal with on their own. I determined that it was appropriate to order that the landlord compensate the Tenant half of the cost of the filing fee in the sum of \$50 such sum may be deducted from future rent.

This decision is final and binding on the 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: September 12, 2019

Residential Tenancy Branch