



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT, OLC, PSF, RR

Introduction

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

- authorization to recover the filing fee for this application pursuant to section 72.
- an order for the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to provide services or facilities required by law pursuant to section 62; and,
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

Both parties attended the hearing and had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions. The landlord acknowledged receipt of the tenant's Notice of Hearing and Application for Dispute Resolution. Neither party raised issues of service. I find the parties were served in accordance with the *Act*.

Issue(s) to be Decided

Is the tenant entitled to recover the filing fee for this application pursuant to section 72?

Is the tenant entitled to an order for the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62?

Is the tenant entitled to an order to the landlord to provide services or facilities required by law pursuant to section 62?

Is the tenant entitled to an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65?

Background and Evidence

In his application, the tenant requested that the landlord be required to provide a lawn mower so the tenant could cut the grass. At this hearing, the tenant testified that the landlord has now provided an adequate lawn mower so this issue is no longer in dispute.

The tenant also requested access to the mailbox. The parties testified that they share a locked mailbox and only the landlord has the key. The landlord testified that he does not want to share the mailbox key because he received confidential work mail at the mailbox. The landlord testified that he sorts the mail and leaves the tenants mail for him.

The tenant also requested compensation for loss of internet services. The tenancy agreement provides that internet services are provided. The tenant testified that, since the landlord has purchased the property the internet service has been inadequate. The tenant testified that he does receives a wifi signal that permits internet access for his computer. However, the tenant testified that he is unable to connect his television devices to the internet. The tenant requests compensation of \$82.00 per month since April 2019 for loss of internet use.

Analysis

Residential Tenancy Branch Policy Guidelines No. 1 states:

The landlord must give each tenant at least one set of keys for the rental unit, main doors, mail box and any other common areas under the landlord's control, such as recreational or laundry rooms.

Accordingly, I find that the landlord is required to provide the tenant with a mailbox key and I order the landlord to do so.

Section 27 of the *Act* states that:

- 27 (1) A landlord must not terminate or restrict a service or facility if
- (a) the service or facility is essential to the tenant's use of the rental unit as living accommodation, or
 - (b) providing the service or facility is a material term of the tenancy agreement.

I find that the landlord has not restricted a service or facility by switching internet service plans. The tenancy agreement states that the landlord is to provide internet services and the parties both testified that the tenant is still being provided internet services. I find that the requirement to provide internet services does not require that the landlord provide services that are compatible with the tenant's electronic devices. Accordingly, I dismiss the tenant's application for compensation for loss of internet services.

Since the tenant has partially prevailed in this matter, I grant the tenant's application for reimbursement of the \$100.00 filing fee.

Conclusion

The tenant's application for access to the mailbox is granted. The landlord is hereby ordered to provide the tenant with a key to the mailbox immediately.

The tenant's application for reimbursement of the \$100.00 filing fee is granted.

The tenant's remaining applications are dismissed.

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 18, 2019

Residential Tenancy Branch