



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Nanaimo Affordable Housing  
Society and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OLC

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act*, for an order seeking landlord's action to comply with the *Act*.

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 landlord was represented their agent.

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*.

### **Issues to be decided**

Is the landlord taking reasonable steps to address the tenant's complaints? Is the landlord acting in a manner that is non-compliant with the *Act*?

### **Background and Evidence**

The tenancy started on November 01, 2015. The accommodation is subsidised housing and is allotted and rented based on a tenant's income and family size. The tenant's portion of the rent is \$569.00. The rental unit is row house. The tenant has neighbours on either side.

The landlord testified that the complex has a no smoking policy, but certain tenants have been grandfathered and are permitted to smoke outside the rental unit. The tenant complained that his neighbour is smoking inside his rental unit and that the smoke is entering through the vents and causing him and his family respiratory problems.

The landlord agreed that when the tenant made his first complaint on February 21, 2020, the problem was not addressed immediately due to a shortage of staff. However, the landlord testified that appropriate action was taken starting March 16, 2020 and filed documents to support his testimony.

During the hearing, the landlord agreed to improve on communication with the tenant. The tenant acknowledged that the landlord was taking steps to resolve the issue.

### **Analysis**

Based on the sworn testimony of both parties and the documents filed into evidence, I find that the landlord intends to take appropriate action to resolve the problems that the tenant is facing with regard to smoke. The tenant agreed that the landlord is complying with the *Act* and therefore it is not necessary for me to issue an order directing the landlord to comply with the *Act*.

### **Conclusion**

The tenant's application for an order directing the landlord to comply with the *Act* is moot and accordingly 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: May 29, 2020

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Residential Tenancy Branch