



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hollyburn Properties Limited,
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the *Residential Tenancy Act* (the “Act”) to have the landlord comply with the Act and requesting to be compensated for lack of quiet enjoyment and to recover the cost of the filing fee.

The details within the Application for Dispute Resolution are as follows:

“I am requesting to be compensated for the lack of Quiet Enjoyment I have been experiencing in my rental unit since October 2021. There is a neighbor in the building smoking cigarettes several times a day and the building management has done nothing to solve the issue aside from occasionally putting up a reminder sign. I have complained over a dozen times and yet the smoke continues to flow into my unit. I purchased an air purifier, but even that cannot keep up with the smell of the smoke”.

[Reproduced as written]

This matter was set for hearing by telephone conference call at 9:30 A.M on August 9, 2022. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord who was ready to proceed.

As the onus is on the tenant to prove their claim against the landlord, I find without any testimony or evidence presented by the tenant that they have failed to prove their claim. Therefore, **I dismiss the tenant’s application 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: August 10, 2022

Residential Tenancy Branch