Quiet enjoyment

Tenants have a right to **quiet enjoyment** of the rental unit and common areas of the residential property.

Quiet enjoyment does not mean free from noise; rather, it includes but is not limited to:

- reasonable privacy;
- freedom from unreasonable disturbance;
- exclusive possession of the rental unit, subject to the landlord's limited right to enter with proper notice; and
- use of common areas for reasonable and lawful purposes, free from significant interference.

When is the right to quiet enjoyment breached?

Frequent and ongoing interference by the landlord, or the conduct of other tenants that the landlord fails to address, may breach the tenant's right to quiet enjoyment.

Such interference might include:

- unreasonable and ongoing noise;
- entering the rental premises frequently, or without notice or permission;
- refusing the tenant access to parts of the rental premises;
- unreasonably preventing or restricting the tenant from having guests;
- ending or restricting services;
- forcing the tenant to sign an agreement which reduces the tenant's rights; and
- allowing the property to fall into disrepair so the tenant cannot safely continue to live there.

> Temporary discomfort or inconvenience is not a basis for a breach of quiet enjoyment.

Damages for breach

If a tenant feels a landlord, the landlord's agent, or other tenants have breached their right to quiet enjoyment, the tenant may apply for dispute resolution at the Residential Tenancies Office (RTO) for compensation.

When deciding whether to award financial compensation, the RTO will consider:

- the seriousness of the situation;
- how long it occurred; and
- the degree to which the tenant was inconvenienced.

A landlord can be held responsible for the actions of other tenants or employees/agents hired by the landlord if there is proof that the landlord was aware of a problem and failed to take reasonable steps to correct it. A landlord will not be held responsible for interference by an outside party that is beyond their control.