



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Code: MN

Introduction:

This hearing was convened upon the application of the tenant seeking a monetary order for compensation for damage and/or loss in the sum of \$742.50.

Both parties appeared at the hearing of this matter and gave evidence under oath.

Background

The tenant says that she should be compensated for the loss of her elevator for 52 days. The tenant says she has physical problems that are exacerbated by having to use the stairs due to the lack of the elevator. The tenant says the lack of an elevator has caused her to make lifestyle changes she is not happy with. The tenant says her newspaper used to be delivered to her door but with no elevator her paper is now left in the lobby and she must dress to go down to the lobby to gather her paper as it is a public area and she must go up and down the stairs more than she is able to do. The tenant says she decided to cancel the newspaper. Further, the tenant says the stairs are not skid resistant and she and her friends do not like to use them. The tenant says her friends have stopped visiting her. Further the tenant has given up her charitable work because she cannot manage going up and down the stairs so frequently. The tenant also says that the work being performed on the building has been difficult for her because the workers work outside her bedroom window from 7 a.m. The tenant says that the manager does offer assistance with groceries or laundry but only at times convenient to him. The tenant acknowledges that the landlord has offered a rental reduction of 5% of 41.25 for two months (a total of \$82.50) but the tenant says this is inadequate compensation for all of her losses and she is seeking a 45% return of her \$825.00 monthly rental.

The landlord says that the tenant lives on the 2nd floor and the only tenants who have requested compensation are residents from the 7th floor and up. The landlord says that

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these tenants have accepted the compensation offered. The landlord says he has taken steps to minimize this situation for the tenants such as having the manager assist with packing groceries up the stairs or laundry.

Findings

I find that the tenant is entitled to recover some of her rent due to the loss of her elevator. I make this finding even though she lives on the 2nd floor because I find it is reasonable and probable that with her physical problems she is finding using the stairs to be more difficult than it might be to an able bodied person. While I find the landlord's offer of compensation too little, I find that the tenants request for 45 of her rent returned to be too high. I will allow the tenant a monetary order in the sum of \$200.00 per month, that is \$400.00 in compensation and I direct the tenant to deduct this sum from her next rental payment.