



Dispute Resolution Services

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

Decision

Dispute Codes: DRI ERP RP OLC RR FF

Introduction

This hearing dealt with an application by the tenant to dispute a rent increase, and seeking orders for emergency repairs, repairs, an order that the landlord comply with the Act, regulation or tenancy agreement, and a reduction in rent. Both the tenant and an agent for the landlord participated in the teleconference hearing.

During the hearing, the tenant agreed that the notice of rent increase issued by the landlord on October 20, 2008 was valid, and the tenant withdrew that portion of her application. The tenant also stated that it appeared the landlord was conducting or intending to conduct repairs, and the tenant agreed to withdraw that portion of her application on the basis that she would be granted leave to reapply. I therefore dismiss the portion of the tenant's application regarding the rent increase, and I dismiss with leave to reapply the portions of the tenant's application regarding repairs and emergency repairs. The portion of the tenant's claim regarding an order that the landlord comply was also related to the repairs and emergency repairs, and I therefore also dismiss with leave to reapply that portion of the tenant's application.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation or a reduction in rent for excess hydro costs?

Is the tenant entitled to recovery of the filing fee?

Background and Evidence

The tenant has resided in the rental unit since March 1997. The tenant's current monthly rent is \$912. The evidence of the tenant was that the roof of the apartment building started leaking approximately two years ago. The tenant submitted photographs, date-stamped October 31, 2008, depicting leaking that was occurring in the hallway directly outside the door of the tenant's unit. The landlord attached a tarp near the ceiling and placed large buckets below the leak. The tenant submitted that over the holidays the water started coming down both sides of her door, and the doorframe started swelling. The tenant provided a photograph of a line of buckets she placed at the base of her door inside the suite, where water was dripping. Because of the leaking, the tenant found that she had keep her dehumidifier running 24 hours a day to reduce the humidity in the apartment. The tenant provided as supporting evidence a statement of her monthly hydro costs from November 2006 to January 2, 2009. The tenant has claimed \$30 in excess hydro costs for the period of December 3, 2008 to January 2, 2009. The statement shows that the tenant's hydro bill in December 2007 was \$61.94, and her hydro bill for December 2008 was \$92.98.

The tenant also felt that she was entitled to recovery of her filing fee, as the landlord did not appear to be taking any steps to address the problem until after the tenant applied for dispute resolution.

The response of the landlord was that the leaks were not occurring inside the tenant's unit, and therefore the tenant was not affected by the leaks to the extent that the landlord was willing to provide the tenant with any compensation for the inconvenience. The landlord lives in another unit in the same building and he keeps his dehumidifier running 24 hours a day, and his average hydro bills are \$59 per month. The landlord had started working on the roof problem before the tenant filed her application for dispute resolution.

Analysis

I accept the tenant's evidence regarding the increase in her hydro bill and I find it likely that the increase was due to a rise in humidity because of the water leaks. Even if increased humidity were not the cause of the increased hydro bill, I find that the tenant ought to be at least minimally compensated for the inconvenience of having to deal with water leaking immediately outside her suite for several months, and then leaking into her suite and causing the doorframe to swell. I therefore grant the tenant's application for \$30, as well as recovery of the \$50 filing fee for the cost of the application.

Conclusion

The tenant may deduct \$80 from next month's rent as full compensation for this application.

Dated February 24, 2009.