



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNSD, OLC, ERP, RP, PSF, LRE, LAT & RR

### Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issues(s) to be Decided

The applicant originally had numerous issues he wanted to deal with on the application for dispute resolution however subsequent to applying for dispute resolution the applicant vacated the rental unit and therefore the majority of the issues are no longer applicable.

The only issue remaining is the tenants request for an order for the landlord to pay \$5,000.00, for pain and suffering.

### Background and Evidence

The applicant testified that:

- The rental unit needed numerous repairs and the landlord failed to do any of those repairs for the full term of the tenancy.



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- It made living in the rental unit very uncomfortable and the applicant believes he had a substantial loss of use enjoyment.

The applicant is therefore requesting an order for the landlord to pay him \$5,000.00 for pain and suffering.

## Analysis

I find that the tenant did not take reasonable steps to mitigate his loss.

The tenant stated at the hearing that he never gave the landlord any written request for repairs nor did he at any time prior to this application file an application to have an order made against the landlord to have repairs done.

It is my decision therefore that I will not issue a monetary order against the landlord for pain and suffering.

## Conclusion

This application is dismissed in full 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 21, 2009.

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Dispute Resolution Officer