



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC

Introduction

This is the Tenants' application for compensation for damage or loss under the Act, regulation or tenancy agreement. A Hearing took place on September 1, 2009 and interim Orders were made, as provided in my Interim Decision dated September 3, 2009. The matter was adjourned to November 16, 2009, in order for the parties to report on inspections and repairs to the rental property, in accordance with my Orders of September 3, 2009.

I reviewed the evidence provided by the parties prior to the Hearing. Both parties had an opportunity to be heard and respond to the other party's submissions. Both parties gave affirmed testimony and the Hearing proceeded on its merits.

Issues(s) to be Decided

- The Landlords' compliance with my Orders of September 3, 2009, as follows:
 1. Comply with Section 32 of the Act;
 2. Have the furnace and heating system professionally serviced, repaired and cleaned, including the duct work;
 3. Have a certified electrician inspect the rental unit to identify issues and repair the electrical system to meet the required electrical standards and codes;
 4. Have all mould and mildew removed by certified personnel; and

5. Have all required repairs to damaged walls, windows, cabinetry, flooring and structure, due to water mould and mildew, completed by qualified personnel.

Background and Evidence

The Tenants gave the following testimony:

- A repairman came to clean the furnace ducts and vents, but the furnace is still banging and the man who serviced the furnace was not a qualified professional. The Tenant knows this because she phoned the furnace repair company and made enquiries.
- The electrical repairs were not completed by a certified electrician.
- The mould and mildew were eradicated from the upstairs, but no one looked at the downstairs bedroom and rec room.
- The rental unit has to be repainted. The only room that has been repainted is the bathroom.
- The Tenants painted the door and the cupboard in the bathroom themselves.
- The Tenants have provided the Landlords with a key to the lock they had changed.

The Landlord's agent gave the following testimony and evidence:

- The Landlords provided copies of the following receipted invoices in evidence:

Parts & labour: repair drywall and floor; paint main bathroom and one living room wall; repair kitchen sink; install lights; fog house for mould; wash walls with mould control; replace toilet; install new bathroom and dining room fan (two invoices)	\$1,275.43 2,361.87
Parts & labour: remove shower door, install shower rod; remove, repair and install patio door; remove, install new kitchen faucet	\$242.48
Parts & labour: remove and replace electrical plugs, switches and thermostat	\$205.18
Cleaning and repairing furnace & ducts; replacing filter	\$375.90
TOTAL	\$4,460.86

- The downstairs portion of the townhouse is meant for storage and is not to be used for living accommodation.
- The mould and mildew will return if the Tenants do not ventilate the bathroom properly, by opening the window or running the fan for 10 minutes per hour of use.
- The Landlords have done everything required of them and more.
- The repairmen who worked on the rental unit are all qualified to do the work they provided.

Anaylsis

Based on the testimony and evidence provided by both parties, I am satisfied that the Landlords have complied with my Orders of September 3, 2009.

The Tenants sought to re-argue some of the issues that had already been decided at the original Hearing, and sought further remedies at the reconvened Hearing that were not included in the original Hearing. Therefore, I have not considered them. This Hearing was reconvened specifically to confirm that the Landlords had complied with my Orders of September 3, 2009. The Tenants are at liberty to make application for further orders, if they choose to do so.

Conclusion

I am satisfied that the Landlords have complied with my Orders of September 3, 2009.

Dated: November 25, 2009.
