



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

INTERIM DECISION

Dispute Codes CNR; MNDC; FF

Introduction

This Hearing is a continuation of the Tenants' application heard on September 4, 2009. An interim decision was rendered on September 9, 2009, cancelling the Notice to End Tenancy for Unpaid Rent; and providing the Tenants with a monetary award. The initial Hearing was adjourned for the Tenants and Landlord to report on progress made with respect to completing the remediation of the Tenants' flood-damaged suite.

I reviewed the evidence provided prior to the Hearing. The parties gave affirmed testimony and the Hearing proceeded on its merits.

Issues(s) to be Decided

- Has the Landlord complied with Section 32 of the Act?
- Are the repairs completed?
- Are the Tenants entitled to further compensation for loss of use of all or part of the rental unit?

Background and Evidence

The Landlord's agent testified that he left messages for the building manager regarding the repairs to the rental unit. On September 17 or 18, 2009, the building manager called the Landlord's agent and informed him that repairs to the rental unit had been

ordered and would be under way at the end of September or beginning of October, 2009. The Landlord's agent testified that the repairs were completed at the end of October.

The Tenant testified that the walls and ceiling had been repaired and repainted, but that the underlay had not yet been replaced, and the carpets were still dirty and torn. Furthermore, the Tenant stated that there was a continuing problem with mould growth in the bathroom. The Tenant testified that she tried to address these issues with the Strata Manager and the building caretaker, but was told that the Landlord would have to contact these people.

The Tenant further stated that there were other problems in the rental unit that required attention.

The Landlord's agent testified that he was surprised that the carpets had not been seen to, and that he would call the restoration company to enquire. He stated that he would replace the very rusty shower curtain rod in the bathroom and investigate for possible mould in the bathroom.

The Tenant requested additional rent reduction until the rental unit is completely restored to its condition prior to the flood.

Analysis

The Tenant testified that there were other issues she wanted to bring up with respect to the rental unit. I will only consider matters that were identified at the original hearing. If the Tenants have further issues, they are at liberty to file another Application for Dispute Resolution.

This matter is adjourned to a later date, and the Notice of Adjourned Hearing is enclosed with this Interim Decision and Orders. When the Hearing resumes, the Tenant and Landlord must report on the work conducted in the interim.

I make the following interim Orders on the Landlord. The Landlord must:

- Take reasonable steps to ensure the remaining restoration of the Tenants' residence with respect to the underlay, carpeting and possible mould growth; and
- Comply with Section 32 of the Act.

A further order may be made at the next hearing for an additional rent reduction from September 5, 2009, until the restoration is complete.

Both parties are at liberty to file further documentary evidence with respect to the underlay, carpeting and possible mould growth. Each party will have to serve the other, as well as the Residential Tenancy Branch, with copies of such evidence prior to the next Hearing, in compliance with the rules of service of evidence outlined in Fact Sheet RTB 126 "Deadlines for Serving Evidence and Submitting It to the Residential Tenancy Branch."

Conclusion

This Hearing is adjourned to the date specified in the enclosed Notice of Adjourned Hearing.

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: November 5, 2009.
