

DECISION

Dispute Codes: MNDC, RR and FF

Introduction

This application was brought by the tenants seeking a Monetary Order for \$3,500 for loss use of facilities or services and loss of quiet enjoyment as a result of repairs to the rental unit, temporary loss of the use of the fridge and needed re-caulking of windows.

As a preliminary matter, the property manager stated that she had attempted to serve the tenants with her late evidence, but was unable to locate the tenants at the address given. Therefore, I permitted her to given her evidence orally.

Issues to be Decided

This application requires a decision on whether the tenants are entitled to a Monetary Order for the claims as submitted.

Background and Evidence

This tenancy began on July 1, 2005 and ended on September 30, 2009. Rent was \$1,509 per month and the landlord holds a security deposit of 700 paid on or about July 1, 2005. The rental building is a strata property and contains 140 units of which 12 rental units are managed by the property manager.

The primary matter giving rise to this dispute is a plumbing renovation that took place in the building for a number of months commencing in May of 2006. The tenants stated that they had not been advised in advance of these repairs when they entered the rental agreement and experienced substantial inconvenience. The current property manager gave evidence that her predecessor had not been aware of the need at commencement of the tenancy which was the better part of a year earlier.

The landlord's witness gave evidence that he has been resident in the building for eight years and had been at the time of the repairs. He stated he believed his experience was typical of most and that the work in his rental unit had taken no more than parts of four days. In that time, walls were opened, piping replaced and drywall repaired and painted. Including moving some furniture aside and having the water shut off for a total of three hours, he stated that the disruption had been minimal. He said he had not considered the disruption sufficient to warrant asking for rent relief.

The parties concurred that the tenants had requested a rent relief and had been granted a \$350 reduction for one month.

The tenant gave further evidence that she had requested that the windows in the rental unit be re-caulked after the first year she moved in and that the work had not been done. She stated that she had made the request verbally to the maintenance worker.

The property manager stated that, if such a request had been received in writing, it would have been forwarded it to the strata council which was responsible for window maintenance, but there was no record of a request.

Finally, the tenants claim compensation for a three week period during which they were without a fridge and had to rely on the kindness of neighbours to store some of their perishables.

However, the landlord stated that the fridge had been ordered on July 8' 2008 for delivery on July 12, 2008. She stated that the delivery had been postponed to July 15, 2009 at the request of the tenants.

Analysis

As to the tenants' claim for compensation for the disruption caused by the plumbing renovations in 2006, I find that they accepted and were proportionately compensated by the \$350 rent reduction. This part of the claim is dismissed.

On the tenants claim that the window re-caulking was not done, I find that the tenants would have to have made their request in writing and given the property manager an opportunity to examine the windows and enter discussion with the Strata Council. In the absence of a written request, this part of the tenants' claim is dismissed.

On the tenants clam for a non-working fridge, given that the tenant has not specified a specific amount for the loss, acknowledged that at least some of her perishables were saved with neighbour assistance, and given the contradictory evidence of the duration, and the delay in delivery at the request of the tenants, I cannot fix an amount on this claim. Therefore, the claim is dismissed.

Conclusion

The tenants' application is dismissed in its entirety and I find that they should remain responsible for their own filing fee.