



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, FF

Introduction

This matter dealt with an application by the Tenants for a monetary order for compensation for damage or loss under the Act or tenancy agreement as well as to recover the filing fee for this proceeding.

Issues(s) to be Decided

1. Are the Tenants entitled to compensation and if so how much?

Background and Evidence

On September 4, 2009, the septic system servicing the Tenants' manufactured home site failed and as a result, they lost the use of bathroom, laundry and other facilities. In a previous decision made on October 2, 2009, the Landlord was ordered to repair the septic system and the Tenants were granted leave to apply for compensation until the repairs were made.

The Tenants claim that they incurred expenses for having to rent a porta-potty, to take showers at a recreation centre and to do laundry at a Laundromat. The Tenants said that the Landlords made a temporary fix of the septic system on November 5, 2009 so that they were able to use the bathroom and kitchen facilities but still had to do laundry at a Laundromat until a permanent fix can be made. The Tenants also said that the Landlords recently compensated them for their expenses for the period September 4 – November 5, 2009 however, they still have Laundromat expenses for the period November 6, 2009 to date.

Analysis

Section 21 of the Act says that a Landlord may not terminate or restrict a service or facility unless the Landlord reduces the Tenant's rent by an amount that is equivalent to the reduction in the value of the tenancy agreement. Section 26 of the Act says that a Landlord must provide and maintain the manufactured home park in a reasonable state of repair and comply with housing, health and safety standards required by law.

In the previous decision noted above, the Dispute Resolution Officer ordered the Landlords to make emergency repairs the septic system (on an expedited basis) and stated that if they failed to do so they could be liable for any damages or expenses the



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

Tenants incurred as a result. Consequently, I find that the Tenants are entitled to recover \$360.00 for laundry expenses (4 loads per week @ \$6.00 per load = \$24.00 per week x 15 weeks) as well as the \$50.00 filing fee for this proceeding.

Conclusion

A monetary order in the amount of **\$410.00** has been issued to the Tenants and a copy of it must be served on the Landlords. If the amount is not paid by the Landlords, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of that Court.

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: February 17, 2010.

Dispute Resolution Officer