

DECISION

Dispute Codes:

MNDC, OLC, ERP, RP, PSF, FF

Introduction

This Hearing was adjourned from January 22, 2010, in order for the parties to report on the state of repairs to the heating system and electrical system at the rental unit. An Interim Decision was rendered on February 3, 2010. On February 3, 2010, I made the following Orders:

- The Landlords must comply with Section 32 of the Act and provide facilities required by law and make repairs to the heating system in the Tenants' home within 2 months of receipt of the Interim Decision;
- the Tenants were provided a rent reduction in the amount of 20% for the months of February and March, 2010, for a total of \$502.96; and
- The Tenants were awarded compensation for damage or loss in the amount of \$2,300.99, and costs of the filing fee in the amount of \$50.00.

Issues to be Decided

- Have the Landlords complied with Section 32 of the Act and provided facilities required by law and made repairs to the heating system in the Tenants' home?

Background and Evidence

The parties gave affirmed testimony at the reconvened Hearing. The Tenant testified that there is still no heat in the upstairs bedroom, and no electrician has inspected the rental property to repair the electrical concerns.

The Landlord stated that he has spoken with the building maintenance people, who have advised him that the hot water heater has been replaced and the boiler system output has been increased to the furnace.

The Tenant stated that the Landlord has not been communicating with her in respect to what repairs have been done, and what repairs still need to be done.

The Landlord testified that there are four suites in the rental property that share the top level with the Tenant, and no one else is complaining about lack of heat. The Tenant replied that her suite is the only one with two levels, and that the heat does not reach the top level of her suite.

Analysis

Based on the testimony of the parties, I find that the Landlords have failed to make repairs to the heating system in the Tenants' home within 2 months of receipt of my Interim Decision dated February 3, 2010. Therefore, having advised the Landlords in my Interim Decision that further rent reduction may be granted if the Landlords failed to comply with Section 32 of the Act, I provide the Tenants with a rent reduction in the amount of 20%, or \$255.44 per month. Effective April 1, 2010, monthly rent is therefore \$1,021.76 until such time as the Landlords comply with the Act, file an Application for Dispute Resolution, and satisfy a Dispute Resolution Officer that the heating system is repaired. The Tenants may apply the \$255.44 rent reduction for the month of April towards rent due for May 1, 2010. In other words, rent for the month of May will be \$766.32.

I order that the Landlords send a qualified technician to the Tenants' home to inspect the heating system and to measure the ambient temperature in the Tenants' upstairs bedroom, as well as the remainder of the Tenants' suite, to ensure that the heating system safely attains and maintains every room at a temperature of 72 Fahrenheit (22 Celsius) measured at a point 5 feet (1.52 m) from the floor, pursuant to the provisions of Section 18.1(1) of the City of Vancouver Standards of Maintenance Bylaw 5462. Unless the Landlords have the Tenants' permission at the time of the inspection, the Landlords must provide the Tenants with written notice of this inspection, in accordance with the provisions of Section 29(b) of the Act.

I order that the Landlords, or their agent, communicate in writing with the Tenants regarding ongoing attempts to repair the heating system.

Conclusion

I hereby provide the Tenants with a rent reduction in the amount of 20%, or \$255.44 per month, effective April 1, 2010. Monthly rent is therefore \$1,021.76 and will remain at

that amount until such time as the Landlords comply with the Act, file an Application for Dispute Resolution, and satisfy a Dispute Resolution Officer that the heating system is repaired. The Tenants may apply the \$255.44 rent reduction for the month of April towards rent due for May 1, 2010. In other words, rent for the month of May will be \$766.32.

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I order that the Landlords, or their agent, communicate in writing with the Tenants regarding ongoing attempts to repair the heating system.

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: April 26, 2010.
