

DECISION

Dispute Codes: MNDC and FF

Introduction

This application, brought by the tenant seeking a Monetary Order for loss of use of part of the basement area of the rental home on the claim that deficiencies with the electrical system created a question of safety.

Issue(s) to be Decided

This matter again requires a decision on whether the tenants are entitled to a Monetary Order for loss of the area in question and in what amount.

Background and Evidence

This tenancy began on July 11, 2009 under a 12-month fixed term agreement set to end on June 30, 2010. Rent is \$1,500 per month and the landlords hold security and pet damage deposits of \$750 each. The rental building is an older home which the landlords had advised the tenants they eventually intended to demolish and replace with a new home for their own use.

During the hearing, the tenants gave evidence that shortly after moving in to the rental unit, the female tenant received an electrical shock when she attempted to turn on a

light switch in for a storage space in the basement. Shortly after, her son and husband experienced a similar shock when they touched the clothes dryer.

They advised the landlord who suggested the shocks were probably due to static electrical discharge and suggested they use an insulated mat. The landlord who lives elsewhere travelled to the rental building on July 27, 2009 and examined both the switch and the dryer and satisfied himself that his original suggestion of static was correct.

The tenants subsequently gave evidence that they not use part of the area out of caution and concern for the safety of their children and make claim for compensation of \$1,959.25, an extrapolation of the square footage of the home that was not available to them

The tenants contacted the landlord on November 20, 2009, and advised that they did not believe the problem was static and had had a building inspector conduct an inspection and that he had noted deficiencies in the wiring in the area in question. The landlords stated they would have any problems attended to when they received the report.

The inspection was conducted on November 17, 2009. The inspection report says, in part, "On inspecting this equipment and using a volt meter to measure a possible electric shock hazard, none could be captured. The shocks received may have resulted from static electricity."

The inspector did note some deficiencies which he ordered brought to code, including: addition of armored sleeves to the washer and dryer wiring, securing wiring for the hot water tank to the wall, correcting bonding continuity to plugs in the back bedroom,

improper cable termination in the main panel and keyless light fixtures not attached security to ceiling boxes.

The landlord had the work completed by a qualified electrician under permit on December 22, 2009 as directed.

Analysis

Section 32 of the *Act* provides that:

(1) A landlord must provide and maintain residential property in a state of decoration and repair that

- (a) complies with the health, safety and housing standards required by law, and
- (b) having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

In this matter, I find that there were some deficiencies in the wiring of the rental unit but that they were fairly minor as described by the municipal inspector.

I further find that, when informed of the tenants' concerns, the landlord responded within a reasonable time by attending the rental on July 27, 2009 and examining the reported causes of the shocks and again by following the direction of the inspector by engaging an electrician in December. The landlords might have acted more prudently by having an electrician examine the problem in July, but overall, I find that they did respond reasonably in attempting to test the system for shocks.

I find the tenants' method of assessing damage to be somewhat flawed based on the proportion of square footage they felt was not available to them. The same square footage in a bathroom, for example, would be far more critical to a tenancy than the

subject secondary area even though it were larger in size. Also, I am not persuaded that usage of the area was entirely precluded by the perceived problem.

More significantly, given the difference in interpretations of the problem between the tenants and the landlords, I find the written report by the building inspector to be the most reliable evidence. It was his conclusion that he could find no shock hazard using a volt meter and the cause of the shocks to the tenants were most likely static electricity.

However, on the basis of the deficiencies that he did record and the apprehension experienced by the tenants, I find that the tenants are entitled to monetary compensation of \$100 plus recovery from the landlords of the \$50 filing fee for this proceeding.

Conclusion

I hereby authorize and order that the landlords owe to the tenants \$150 and that tenants may recover that amount by withholding it from the next due rent payment.

April 9, 2010