

## **DECISION**

Dispute Codes      MNR, MNDC, RP, RR, FF

### Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for a monetary order for \$1800.00, and a request that future rent be reduced by 50% until the rental unit is properly repaired.

### Background and Evidence

The applicants testified that:

- February 17, 2010 they lost the use of the kitchen in the rental unit as the restoration company who was working on the unit declared the kitchen area unsafe and sealed it off.
- As a result they have had no use of the kitchen in the rental unit since, and they also lost the use a large portion of the rest of the rental unit due to having to store all their kitchen items in boxes throughout the rental unit.
- The restoration company has also been using electrical equipment in the rental unit and as a result their Hydro bills have increased substantially.

The applicants are therefore requesting a claim as follows:

loss of use and enjoyment February 2010	\$227.71
Loss of use and enjoyment March 2010	\$455.41
Loss of use and enjoyment April 2010	\$455.41
Loss of use and enjoyment May 2010	\$455.41
Increased utility costs	\$105.00
Miscellaneous costs	\$101.06
Filing fee	\$50.00
Total	\$1850.00

The applicants are also requesting that rent be reduced by 50% per month until the use of the kitchen is returned.

The respondent's testified that:

- There was a leak in the building that resulted in a requirement to seal off the kitchen in the applicants rental unit due to environmental concerns.
- The leak has caused major problems in the building, not just in the applicant suite.
- They are working with the restoration company and the insurance company to ensure the repairs are done properly and all environmental hazards are eliminated.
- The work is ongoing however at this time they do not have an estimate as to when the job will be completed.
- They have allowed the tenants use of another apartment in the building, two floors down, for the tenants to have the use of kitchen facilities.

### Analysis

It is my finding that the applicants have had substantial loss of use and enjoyment of the rental unit both by the loss of use of the kitchen and by the requirement to store the

kitchen items in other parts of the rental unit. The landlord has obviously been attempting to mitigate the problem by allowing the tenant to use the kitchen facilities in the unit two floors down, however this is still a major inconvenience for the tenants and I find it a 50% rent reduction in is reasonable.

I therefore will allow the full amount of rent rebate requested by the tenants, which amounts to a 25% rebate for February 2010 and the 50% rebate for the months of March 2010 April 2010 in May 2010, for a total of \$1593.94

Is also my decision that I will allow the applicants claim for increased utility costs caused by the use of electrical appliances by the restoration company and accept that the amounts shown by the tenants reasonably reflect the increase in utility costs; I therefore allow a total claim for increased utilities of \$105.00.

It is also my decision that he rent is to be reduced by 50% per month until the tenants again have the full use of their kitchen.

I also allow the applicants claim for the \$50 filing fee.

I will not allow the claim for miscellaneous items such as plastic plates etc. as the applicants are provided no evidence of the costs of these items.

### Conclusion

I have issued an order for the respondent/landlord to pay \$1748.94 to the applicants. I further order that the rent be reduced by 50% per month, bringing rent to \$455.41 per

month. The rent will remain at \$455.41 per month until the tenants have the full use of their kitchen once more.

Note: I have removed the property manager's name as a respondent on the order, and the order is issued strictly against the landlords.

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: May 06, 2010.

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Dispute Resolution Officer