

DECISION

Dispute Codes

MND, FF

Introduction

This was an application by the tenant for a monetary order. The tenant participated in the hearing. The landlord did not attend although the tenant testified they were served with the application and Notice of Hearing sent by registered mail, in compliance with section 89 of the Residential Tenancy Act (the Act).

Issue(s) to be Decided

Is the tenant entitled to a monetary order in the amount claimed?

Background and Evidence

The undisputed testimony of the tenant regarding this matter follows.

This tenancy began June 01, 2009 and ended October 15, 2009. Rent was in the amount of \$500 per month. The tenant testified that the 2 months prior to vacating their basement rental unit they endured ingress of water and effluent from the basement drain and bathroom tub causing them stress and loss of enjoyment of their rental unit. The tenant testified they repeatedly asked the landlord to fix the cause of the water ingress into the unit, but the issue continued unabated for the better portion of August and all of September 2009. The tenant testified that in their determination the effluent entering the rental unit contributed to a week's loss of work and some damage to furniture. The tenant and landlord agreed the tenant could vacate on short notice in mid October 2009. The tenant claims rent abatement equal to one month's rent for loss of quiet enjoyment and eventual need to vacate, in the amount of \$500. The tenant provided supporting document evidence and photographs purportedly taken near the end of the tenancy.

Analysis

The tenant has not established their claim for loss of wages, or damage to furniture.

I accept the tenant's testimony and documentary evidence submitted as establishing that they incurred a loss of quiet enjoyment due to an extended period of water and effluent ingress into the rental unit. I find the amount claimed by the tenant as an abatement of the rent to be reasonable compensation for their loss, and I therefore grant the tenant a Monetary Order in the amount claimed, without leave to reapply in respect to this matter. The tenant is entitled to recover the \$50 filing fee paid for his application for a total award of **\$550**.

Conclusion

I grant the tenant a Monetary Order under section 67 in the amount of \$550. If necessary, this Order may be registered in the Small Claims Court 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*.