

DECISION

Dispute Codes RP, RR

Introduction

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

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on May 19, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for repair order, and a request to reduce the rent by \$400.00 per month until the repairs are completed.

Background and Evidence

The applicant testified that:

- The lower portion of this rental unit was damaged by repeated flooding and as a result the walls became mouldy and the carpets required cleaning.
- The landlord had agreed to do repairs to the basement however even though the applicant has made numerous requests, the work has not been done.
- In April of 2010 she sent a formal written request to the landlord to complete these repairs and yet, to date, this work has not been done.
- She is willing to do the work herself if the landlord supplies the materials however to date all the landlord has supplied is some buckets of paint but no equipment such as rollers and paintbrushes has been supplied.

The applicant is therefore requesting an order that the landlord insure that the basement gets painted and the carpets get cleaned. She is also requesting a rent reduction of \$400.00 per month from May 2010 through until the painting and carpet cleaning are completed, as she is has a loss of use of the lower area for rental property until this work is completed.

The applicant had also requested that the fence at the rental property be repaired; however the neighbour has subsequently repaired that fence and therefore no repair order for the fence is required at this time.

Analysis

It's obvious from the photo evidence supplied that the lower portion of this rental property is in need of painting and carpet cleaning as a result of flooding that occurred in the rental property. Therefore I will issue an order that the landlord insure that the lower portion of the rental property is properly painted and that the carpets get cleaned. I will not order that the tenants be allowed to do this work, however if the landlord wants to come to an agreement with the tenant to have her do this work he certainly can do so.

It is also my decision that a rent reduction of \$400.00 per month is justified, and since the tenant sent a formal letter to the landlord in April of 2010 requesting that this work be done, I will allow that rent reduction from May 1, 2010 through until the work is completed. Therefore rent is reduced to \$1100.00 per month until the work is completed and since the tenant is already paid May 2010, June 2010, and July 2010 rent, the tenant may deduct \$1200.00 from future rent payable to the landlord.

Conclusion

I have allowed the tenants application for a rent reduction, and I have issued a repair order against the landlord.

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: July 05, 2010.

Dispute Resolution Officer