

DECISION

Dispute Codes MNDC, RP, RR, FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for compensation for loss pursuant to section 67;
- an order to the landlord to make repairs pursuant to section 33;
- an order to be allowed to reduce rent for repairs, services or facilities agreed upon but not provided pursuant to section 65; and
- an order to be allowed to recover the cost of filing this application pursuant to section 72.

The landlord did not attend the hearing. The tenant appeared and was given a full opportunity to be heard, to present evidence and to make submissions. The tenant testified that she sent the landlord the application for dispute resolution package by registered mail on June 15, 2010. She said that she had discussed the application with the landlord's representative who confirmed that the landlord had received the tenants' application for dispute resolution. I am satisfied that the tenants duly served the landlord with the application for dispute resolution.

Issues(s) to be Decided

Are the tenants entitled to a reduction in their rent to reflect the lack of repairs to the rental premises? Should the tenants be provided with an order to the landlord requiring repairs to the rental premises? Are the tenants entitled to recover the filing for this application?

Background and Evidence

The tenant testified that the monthly rent for the rental premises was set at \$1,250.00. She testified that she first noticed problems with water leakage into the ceiling of the

kitchen area on April 30, 2010. She testified that she first called the landlord about this problem on May 1, 2010. The landlord's representative first attended on May 3, 2010. When this man returned later that month, he cut a hole in the ceiling, but this did not alleviate the leakage problem. She said that the landlord's representative has attended a number of times and repairs have recently been conducted on the flooring above the kitchen. While she testified that the leakage has slowed, she said that leakage is still occurring and that the repairs have not yet been completed.

She requested a monetary order or permission to reduce the tenants' rent until such time as the repairs have been completed. She also asked for an order requiring the landlord to repair the leak and to cover the hole in the ceiling of the tenants' kitchen. She also asked for recovery of the tenants' filing fee.

Analysis

Based on the photographs submitted into evidence and the tenant's sworn and undisputed testimony, I order the landlord to complete the repair of the leakage problem in the rental premises and repair the hole in the tenants' kitchen ceiling.

I accept that the location of the leakage into the tenants' kitchen and the duration of the problem is sufficient to warrant a reduction in the tenants' rent from May until August 2010. To account for the loss of enjoyment of the rental premises over this period of time and their repair of the ceiling hole, I allow the tenants to reduce their next monthly rent payment by \$480.00. This amount is calculated as follows:

Reduction in May 2010 Rent	\$100.00
Reduction in June 2010 Rent	100.00
Reduction in July 2010 Rent	100.00
Reduction in August 2010 Rent	100.00
Materials to Repair Kitchen Ceiling	30.00
Recovery of Filing Fee for this application	50.00

Total Rent Reduction May - August 2010	\$480.00
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I further authorize the tenants to reduce their monthly rent by an additional \$100.00 for each month when the existing leakage repairs have not been completed. This additional rent reduction will only take effect if the landlord has not completed the repairs to the tenants' kitchen by September 1, 2010.

Conclusion

I order the landlord to complete the repair of the leakage problem in the rental premises and repair the hole in the tenants' kitchen ceiling. I order that the tenants reduce their next regular monthly rent payment by \$480.00 to take into account the leakage problems they have encountered from May 2010 until August 2010. I authorize the tenants to reduce their rent by an additional \$100.00 per month commencing on September 1, 2010 for any months when the existing leakage repairs have not been completed.

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*.