



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, RP

Introduction

A substantial amount of documentary 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 registered mail that was mailed on October 29, 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

At the time of the application the applicant was requesting a monetary order of \$1443.40, and was requesting that repairs be made however at the hearing the applicant stated that all the repairs have now been completed and therefore she is just pursuing the monetary order.

Background and Evidence

The applicant testified that:

- She had a very difficult time getting the landlord to do repairs that were needed at the rental unit and one more than one occasion after taking time off work to meet with the landlord and the repair person, no one showed up.

- She had to make arrangements for repairs herself and she had to meet with the workmen, instead of the landlord meeting them.
- For a period of four days in September she had no use of the sinks or the dishwasher due to the fact that the plumber had discovered the plumbing was draining directly into the crawl space.
- They went 35 days without a handle on the powder room door and 35 days without any door on the bathroom.
- They went a further 76 days without a handle on the bathroom door and therefore it could not be closed resulting in a total lack of privacy.
- At the time of the application they had gone 110 days with fence panels missing, or rotten and broken and the gate panel also missing. These were to have been repaired at the beginning of the tenancy.
- They also endured 92 days of septic smells coming from under the sink in the crawl space which turned out to be due to the fact that the plumbing was not attached and was draining directly into the crawl space.

The applicant is therefore requesting an order as follows:

Loss of earnings July 24, 2010 waiting for the plumber who did not show up.	\$60.00
Gas and time to pick a door from building supply store at landlords request on August 4, 2010	\$10.00
Five hours spent waiting for repairman on August 5, 2010	\$7.50
Five hours spent waiting for repairman on August 9, 2010	\$7.50
Time spent dealing with plumber September 6, 2010	\$6.00

Four days loss of use of sinks and dishwasher. 50% of daily rent	\$72.00
146 days without proper doors on bathrooms 10% of daily rent	\$525.60
110 days without proper fencing or gate. 5% of daily rent	\$198.00
92 days without use of lower portion of the rental unit due to the strong smell from waste in the crawl space. 15% of daily rent	\$496.80
Total compensation requested	\$1443.40

Analysis

It's obvious from the evidence presented that the tenant had a great deal of difficulty getting the landlord to deal with repair issues and therefore I will allow a portion of the amount she has claimed.

I will not allow the amount she has claimed for loss of earnings on July 24 of July 30 as she has provided no evidence to show that she would have had income on either of those days.

I also deny the claim for gas and time to pick up a door, as there is no evidence to show that she had informed the landlord she expected to be paid to pick up the door.

I also deny the claims for time spent waiting for repairman or for dealing with the plumber, because there is no evidence this show that she ever informed the landlords she expected to be paid for her time to deal with these issues.



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I will allow a portion of the claim for loss of use of the sinks in the dishwasher for 4 days however I am not willing to allow 50%, as I am not convinced that the tenants lost 50% of the use of the rental unit. I allow 25% of the daily rent for a total of \$36.00

I deny the claim for 146 days without proper doors on the bathrooms, because although I agree this would be an inconvenience, there was not a substantial loss of use.

I will allow the claim for 110 days without proper fencing or gate, as this did reduce the ability to use the yard. Amount allowed at \$198.00.

I also allow the claim for loss of use of the lower portion of the rental unit due to the odour coming from the crawl space and it is my decision that 15% of the daily rent is a reasonable reduction for loss of use. Amount allowed \$496.80.

Conclusion

I have allowed \$730.80 of the claim and have issued an order for the landlord to pay that amount to the applicant

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: November 23, 2010.

Dispute Resolution Officer