



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RP, O, FF

Introduction

This hearing dealt with an application by the tenant for money owed or compensation for damage or loss, to order the landlord to make repairs, other and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Are the tenants entitled to any of the above under the Act.

Background and Evidence

This tenancy began approximately 10 years ago and the tenants pay monthly rent of \$1000.00.

The tenant testified that a pipe had burst in the wall of their laundry room resulting in 3 to 4 inches of water on the laundry room floor with shoes and clothing being soaked and damaged. The tenant stated that he called the building manager and the emergency plumber and that the leak was fixed that night, the water drained from the laundry room and blowers set up to dry out the area. The tenant stated that he didn't remember much else from that night in regards to specifics of when the plumber was called.

The tenant is seeking \$350.00 compensation for items damaged by the burst pipe.

The landlord stated that he had two calls to the office and that when he called the tenant back the tenant said there was a leak but that his son had fixed it. The building manager stated that he provided the tenant with the emergency line number and emergency plumber contact information.

Both parties agreed that the laundry room has since been completely repaired and painted.

The tenant stated that the rental unit had not been updated the entire time that they have occupied the unit however as of one week ago the interior of the tenants unit has been completely repainted. The tenant states that there are still issues with the following:

- Bi-fold closet doors falling apart and not properly closing.
- Bathroom window does not open.
- Bathroom cabinet shoddy repair job.
- Toilet is leaking and wobbles.
- Carpet edges are dirty and the carpet needs to be replaced.
- The edge of the linoleum in the kitchen is starting to come up.
- The exterior windows are dirty.

The landlord testified that in the past they have had maintenance requests from the tenant for the patio door, carpet and bathroom. The landlord stated that they complete inspections every two years and in 2009 the tenant's carpet was in good condition and did not need to be replaced. The tenant would like the carpeting replaced as the edges are very dirty because the tenants carpet cleaner does not clean the edges. The tenant claims that as of last week there is paint all over the carpets and the landlord stated that this was the first they had heard of this.

The landlord stated that the silicone seal around the bottom of the toilet was just redone and that they did not observe the toilet being wobbly or leaking. The landlord has also recently replaced the faucets in the tenant's bathtub and stated that the front of the bathroom cabinet had been repaired. The tenant maintains that the silicone seal at the bottom of the toilet fails every six months and the repair job on the front of the bathroom cabinet was very shoddy.

The landlord stated that the bathroom window had been replaced however the tenant claims it does not open properly. The landlord expressed concern that they had never been advised of this problem by the tenant as this was something they should take up with their contractor who completed the installation work.

The landlord stated that they were not provided with a maintenance request stating that the bi-fold closet doors were all broken and did not close or that the linoleum in the kitchen is coming up and that is something they will need to check.

The tenant stated that the exterior windows are never cleaned and as his windows are up high it is impossible for him to clean them. The landlord responded that they do have

an extension pole for tenants to use for cleaning windows and that the tenant simply needed to make a request to use it.

The landlord notes that last year the entire outside of the tenant's building was repaired and repainted and that they are in the process of updating all the piping in the complex.

Analysis

Based on the documentary evidence and testimony I find that the tenants are entitled to a limited amount of compensation for damage or loss due to the burst pipe in the laundry room wall. The tenant refers to two pairs of shoes, a coat and section of carpet that were damaged in the flood but has not submitted any estimates or receipts for the replacement costs of these items.

Accordingly, I find that the tenant has established entitlement to compensation in the limited amount of \$200.00.

The tenant is entitled to recovery of the \$50.00 filing fee.

The landlord has completed all of the items on the tenant's maintenance list with the exception of the following items and the landlord will be required to address these concerns as noted:

- Bi-fold closet doors – Check and repair or replace by August 31, 2011
- Bathroom window – Check and repair or replace by August 31, 2011
- Bathroom cabinet - Check and properly repair or replace by August 31, 2011
- Carpet – Check during 2011 inspection
- Linoleum in the kitchen – Check during 2011 inspection

The tenant in future will need to follow the procedure set out by the landlord and fill out a Maintenance Request form when repairs are required in the rental unit in order for the landlord to act in a timely manner and maintain the unit as required.

Conclusion

I find that the tenants have established entitlement to compensation in the limited amount of \$200.00 for damage or loss. The tenant is also entitled to recovery of the \$50.00 filing fee.

I hereby order that the tenants may one time, deduct \$250 from their rent to compensate for damaged or loss items and the cost to bring this application forward.

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 11, 2011.

Residential Tenancy Branch