

Decision

Dispute Codes: MNDC, RR

Introduction

This hearing was convened in response to the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / and authority to reduce the rent for repairs, services or facilities agreed upon but not provided. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on November 1, 2005, and monthly rent is currently \$328.00.

The tenant notes that earlier this year a combination heat lamp / fan formerly installed in the ceiling of his bathroom was removed and replaced by a fan. The tenant describes a range of related concerns which include, but are not necessarily limited to, the following:

- that he was not sufficiently informed about the nature of work to be completed in his unit before it began;
- that as the fan is automatically activated, his control over its activation has been reduced as is his control over the quantum of electrical energy used to operate it;
- that in spite of previous adjustments, the sound of the fan is "irritating;"
- that he objects to the aesthetic appearance of the wall switch which replaced the original wall switch;
- that he experiences inconvenience as a result of the loss of "extra illumination" provided by the heat lamp, and most importantly
- that he experiences physical discomfort as a result of the loss of heat from the heat lamp.

The tenant's documentary evidence is accompanied by 4 related photographs.

The landlord takes the position that information about the proposed work was posted in conspicuous places throughout the complex. Further, the landlord argues that the replacement fan is more energy efficient than the former combination unit, and that it represents an upgrade in the ventilation and air quality of the bathroom. The landlord submitted several pages of related documentary evidence in support of his position.

During the hearing the parties very respectfully exchanged views on some of the circumstances surrounding the dispute, and undertook to seek a resolution.

Analysis

Section 63 of the Act addresses the **Opportunity to settle dispute:**

63(1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.

(2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order.

Pursuant to the above provision, the parties agreed as follows:

- that the landlord will undertake to arrange for the installation of a heat lamp in the tenant's bathroom;
- that the landlord will undertake to have the above installation completed by not later than Tuesday, February 14, 2012;
- that in view of the landlord's undertakings, as above, the tenant withdraws his application for compensation as described in the Introduction to this Decision.

Conclusion

I hereby order the landlord to comply with the agreement entered into with the tenant, as set out in detail above.

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*.