



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, RP

Introduction

A small amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order in the amount of \$644.00, a request for an order for the landlord to comply with the Residential Tenancy Act, and a request to make emergency repairs to the unit.

Background and Evidence

The applicant testified that:

- They had a problem with the tiles in their bathroom shower, and therefore they asked the landlord to repair them.
- Instead of repairing the tiles the landlord remove them and taped plastic over the walls.
- They were able to shower but it was not a proper shower.

- The tiles were not repaired until about 20 days after the original request for repairs was given to the landlords.
- They are therefore asking for a half months rent as compensation for not having a proper shower for 20 days.
- They have also had to deal with noisy tenants in the suite above them who seem to purposely make noise. They are therefore requesting a further \$194.00 as compensation for their loss of quiet enjoyment.

The landlord testified that:

- On approximately November 10 2011, the tenants inform them that the tiles were falling off the wall in the bathroom.
- On inspection they found that the drywall behind the tiles had become saturated and therefore the remaining tiles were stripped off the wall and the drywall was left to dry out before re-tiling.
- They did tape up some plastic for the tenants use of the shower however they requested that the tenants take down the plastic after each shower to allow the drywall to dry out.
- The tenants did not cooperate and on more than one occasion he found that the tenants failed to take down the plastic.
- Therefore since the wall would not drive properly with the plastic in place they brought in a heat gun and dried the wall then re-tiled.
- It did not take 20 days as stated by the tenant the repair was complete within 10 days of being notified of the problem.
- They also dispute the claim that the tenants above the applicant purposely make noise. This is a woodframe building and there is no evidence that there has any noise beyond normal daily noise.
- They have also come to a mutual agreement to end this tenancy on February 29, 2012.

Analysis

It is my decision that the applicant has not established a claim for compensation.

I find that the landlord repaired the shower wall within a reasonable timeframe after being notified of the problem.

The landlord also supplied plastic to allow the tenants to continue using the shower while the wall was being repaired and therefore I do not believe there was any significant loss of use of the shower facility.

I also dismissed the tenants request for compensation for loss of quiet enjoyment as the tenant has supplied no evidence to show that the level of noise coming from the unit above his is anything more than normal household noise.

The tenant is no longer requesting any repair orders.

Conclusion

This application is dismissed in full without leave to reapply

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: February 14, 2012.

Residential Tenancy Branch