



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FF, O, OLC, RR

Introduction

A substantial amount of documentary evidence, photo 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 applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on March 5, 2012, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for rent reduction in the amount of \$300.00, a request for an order for the landlord to comply with the Residential Tenancy Act, a request for the landlord to make emergency repairs, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- He is no longer requesting any repair orders, because after he served the landlord with the notice of dispute resolution, the landlord did the majority of the needed repairs.

- He is however still requesting a rent reduction for loss of use and enjoyment.
- There was an issue with the heating system in the rental unit and as a result they were without heat for a full week during a very cold period. He therefore believes that they should be compensated for loss of use and enjoyment.
- There was also an overflow in the rental unit caused by a blocked plumbing pipe, and although landlord was aware of previous problems the landlord did not take reasonable steps to avoid such an issue occurring again.
- Due to the flood they had to endure loud “drying fans” for approximately a week, had to put up with a damp mildew smell, and were unable to use their sink.

They are therefore requesting a rent reduction of \$300.00 for loss of use and enjoyment of the rental unit.

Analysis

It is my finding that the tenant has shown that they suffered a loss of use and enjoyment of the rental unit.

The tenant has testified that they were without heat for approximately 1 week during a very cold period, and since the heating is an integral part of the rental, the loss of heat is considered a significant loss of use and enjoyment.

Further the tenant has testified that due to a plumbing issue they had to deal with loud noises caused by fans, mildew smells, and loss of use of the sink, and again it is my finding that this is a significant loss of use and enjoyment.

I therefore allow the tenants request for rent reduction of \$300.00 and for recovery of the \$50.00 filing fee.

Conclusion

I have allowed the tenants full claim of \$350.00, and therefore the tenants may make a one-time deduction of \$350.00 from future rent payable to the landlord.

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: March 19, 2012.

Residential Tenancy Branch