



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, RP, FF

Introduction

This is an application filed by the Tenant(s) to dispute an additional rent increase, to have the Landlord make repairs and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the submitted documentary evidence, I am satisfied that both parties have been properly served.

The Lead Tenant, has indicated in her direct testimony that she has permission to appear as agent for all applicants. The Tenant has also indicated in her direct testimony that the application is not to dispute the contents of the notice of a rent increase, but that the increase in water charges was due to leaking pipes which the Landlord has failed to repair which caused the increase. The Tenant is also seeking repairs to the common area pipes to stop the water leaks.

Issue(s) to be Decided

Are the Tenant(s) entitled to an order cancelling the notice of a rent increase?

Are the Tenant(s) entitled to an order for the Landlord to make repairs?

Background, Evidence and Analysis

The Tenant states that she is not challenging the notice or the amounts indicated on the notice or invoices, but that the increase in water consumption was due to multiple water leaks in the common area pipes. The Landlord disputes this stating that the consumption levels have not greatly increased and that the readings are different because in previous years the consumption levels were based upon estimates. The Landlord states that beginning December of 2011, all consumption readings were based on exact readings from 3 different water meters in the park. The Tenant has stated that complaints made to the Landlord about the leaks (where water was rising up out of the ground) in the common areas outside of units #94, 73, 23 and 22. The Landlord has acknowledged the complaints, but states that the source of the water is indeterminate as it could be from drainage. The Tenant states that one of the Applicants, is a license

plumber who claimed that the pipes were leaking. The Landlord also states that another Tenant (a license plumber) who is one of the Applicants has been retained by the Landlord to investigate the leaks and has stated that the source of the water leaks are indeterminate. The Landlord states that this license plumber/Tenant and several other individuals are monitoring the water and are awaiting spring time to dig up the indicated areas. The Landlord states that the leaking water is barely noticeable, but the amount of water would not affect the water consumption levels to increase by \$14,095.61 between 2011 and 2012.

I find that the Tenant has failed to provide sufficient evidence to satisfy me that there is a substantial water leak causing an increased level of water consumption. The Tenant has made allegations of broken pipes but without any direct knowledge of a water leak from her or any of the Tenants. The Landlord has confirmed that there is a concern, but that it was being monitored. The Tenant's Application to dispute the rental increase is dismissed.

As the Landlord has confirmed that there is a potential concern for the pipes and has already stated that they are under review. I order the Landlord to have a license plumber inspect and assess the reported areas of concern and to provide a written accounting of the assessment to the Tenants and if necessary to make the proper repairs.

Conclusion

The Tenants Application to dispute the rental increase is dismissed.
The Landlord is ordered to have the pipes in the reported areas of concern inspected and if necessary repaired.

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 1, 2013

Residential Tenancy Branch

