



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kitsilano Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OLC; RR; FF

Introduction

This is the Tenant's application for an Order that the Landlord comply with the Act, regulation or tenancy agreement; for a reduction in rent; and to recover of the cost of the filing fee from the Landlord.

The parties gave affirmed testimony at the Hearing.

It was determined that the Tenant hand delivered the Notice of Hearing documents to the Landlord's agent on April 17, 2013, along with copies of the Tenant's documentary evidence.

Issues to be Decided

- Should the Landlord be ordered to provide basic cable service to the Tenant pursuant to a term of the tenancy agreement?
- Is the Tenant entitled to a rent reduction if the Landlord does not provide basic cable service?

Background and Evidence

The Tenant testified that basic cable is included in rent. A copy of the tenancy agreement was provided in evidence. He stated that the Landlord changed service providers for the cable in February, 2012, and that for a year he continued to receive free basic cable.

The Tenant stated that he received a bill from the new cable provider in February, 2013, which included a charge for cable services, and that subsequent bills also included charges for basic cable. The Tenant provided copies of the cable bills in evidence.

The Tenant stated that he attempted to address the issue with the Landlord by writing three times to the Landlord, but the Landlord was not responsive.

The Landlord's agent stated that there was a misunderstanding between the cable provider and the Landlord with respect to who would pay for basic cable services for the Tenant. She stated that the issue has been settled and that the Landlord has renewed the agreement with the cable provider to provide basic cable to the Tenant. She stated that the cable provider will be reversing the charges for basic cable that the Tenant paid, back to February 7, 2013.

Analysis

Section I accept the Landlord's agent's testimony that the Landlord has addressed the Tenant's concerns with respect to basic cable. Therefore, I dismiss the Tenant's application **with leave to reapply** if the basic cable charges from February 7, 2013 to date are not reversed, or if the Landlord fails to comply with Section 27(2) of the Act in the future.

The Tenant's application had merit and I find that he is entitled to recover the cost of the \$50.00 filing fee from the Landlord. Pursuant to the provisions of Section 72 of the Act, the Tenant may deduct **\$50.00** from future rent due to the Landlord.

Conclusion

The Tenant's application is **dismissed with leave to reapply**.

The Tenant may deduct **\$50.00** from future rent due 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: May 24, 2013

Residential Tenancy Branch