



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION ON REQUEST FOR CORRECTION**

Dispute Codes: FF MNDC MNSD O RR

The applicant has requested a correction and clarification to a decision of the Residential Tenancy Branch dated May 29, 2013.

Section 78 of Residential Tenancy Act enables the Residential Tenancy Branch to:

- correct typographic, grammatical, arithmetic or other similar errors in a decision or order, or
- deal with an obvious error or inadvertent omission in a decision or order.

The applicant requests:

The following information was submitted to support the request:

The Tenant requested clarification as to which month the \$500.00 award for loss of use of the bedroom and bathroom in the rental unit applied to and which month the \$500.00 for loss of quiet enjoyment of the rental unit applied to.

As well the Tenant requested a correction to include a \$40.00 claim for water issues which resulted in loss of use of the washing machine and \$88.00 for an estimate of extra hydro costs as a result of the Landlord using dehumidifiers in the rental unit.

The Tenant says in the review application that the Landlord had agreed to these items in emails.

I have reviewed the original evidence and the supporting evidence for the correction and clarification application and although there was email communication on both issues there was no amount agreed to. The Landlord requested hydro bills and did not receive them and no amount was indicated in the emails for the loss of use of the washing machine. Therefore the amounts the Tenant is claiming are only estimates. As well the Landlord did not agree to these amounts. I have reviewed the evidence and there is no prove of the actual loss amount nor is there verification of the loss by receipts or invoices.

As stated in the original decision: "For a monetary claim for damage of loss to be successful an applicant must prove a loss actually exists, prove the loss happened solely because of the actions of the respondent in violation to the Act, the applicant



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must verify the loss with receipts and the applicant must show how they mitigated or minimized the loss.”

Consequently as the Tenant has not proved the actual loss or verified the loss I find that the evidence does not support the request for the decision and order to be changed by the amounts requested of \$40.00 for the washing machine and \$88.00 for the estimate of extra hydro.

With respect to the Tenant’s request to clarify which month the award for loss of use of the bedroom and bathroom in the rental unit and for the loss of quiet enjoyment refer to; the awards acknowledge the loss only and represent ½ a month’s rent for each loss. The awards are not rent reduction but an acknowledgment of the losses. Consequently the month of the loss is not relevant to the award amount.

The original decision and order stand.

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: July 2, 2013

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Residential Tenancy Branch