



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, OLC, ERP, RP, RR, FF

Introduction

This hearing concerns an application by the tenants for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / an order instructing the landlord to make emergency repairs for health or safety reasons / an order instructing the landlord to make repairs to the unit, site or property / permission to reduce rent for repairs, services or facilities agreed upon but not provided / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenants are entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The unit which is the subject of this dispute comprises the top two stories of a three storied house. Pursuant to a written tenancy agreement the tenancy began on February 15, 2011. Monthly rent is due and payable in advance on the 15th day of each month. Effective August 15, 2013, the monthly rent was increased by \$76.00 from \$2,000.00 to \$2,076.00. A security deposit of \$1,000.00 and a pet damage deposit of \$1,000.00 were collected on January 25, 2011. A move-in condition inspection and report were completed with the participation of both parties.

In response to an application by the tenants, a previous hearing was held in a related dispute between these parties on September 5, 2013 (file # 810801). While the tenants attended the hearing, the landlord did not appear. Pursuant to the decision dated September 5, 2013, the landlord was ordered as follows:

The Landlord is ordered to make the necessary repairs to the Octagon Box in the garage as noted in the 16 point inspection report and to have a further detailed 32 point Electrical Safety Inspection Report performed by a licensed electrician.

The tenants testified that the landlord has yet to fully comply with the above order, and the landlord did not dispute this claim.

Analysis

The various aspects of the tenants' claim and my respective findings are set out below.

\$5,003.80: 10% reimbursement of rent paid between August 2, 2011 and September 1, 2013

The tenants seek this compensation for "each of the months the landlord did not provide a safe living environment" in relation to the "stove electrical safety hazard" uncovered as a result of an electrical inspection.

Section 31 of the Act speaks to **Landlord and tenant obligations to repair and maintain**, and provides in part as follows:

32(1) A landlord must provide and maintain residential property in a state of decoration and repair that

(a) complies with the health, safety and housing standards required by law, and

(b) having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

I find that certain electrical work appears to be required in the unit, and that a limited portion of it was recently attended to. At issue is whether the status of the electrical wiring either previously or currently jeopardizes the health and safety of the tenants, and if so, to what extent it formerly or currently fails to comply with the "health, safety and housing standards required by law." In the absence of any evidence of a specific directive from a local government official in this regard, I find that the tenants have established entitlement limited to **\$250.00**.

\$7.00 rent reduction per day "until all deficiencies are repaired."

I find that the landlord has still failed to fully comply with the order set out in the decision dated September 5, 2013. Calculated on the basis of **\$3.00** per day, and with regard to the 79 day period beginning September 13 and ending November 30, 2013, I therefore find that the tenants have established entitlement to a rent reduction of **\$237.00** (79 x

\$3.00). Should the landlord fail to fully comply with the order in the decision dated September 5, 2013 by November 30, 2013, the tenants have the option of filing another application for dispute resolution.

\$10.33: *registered mail*

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\$79.34: *time and inconvenience arising from filing of the application*

Section 72 of the Act addresses **Director's orders: fees and monetary orders**. With the exception of the filing fee for an application for dispute resolution, the Act does not provide for the award of costs associated with litigation to either party to a dispute. Accordingly, the above aspects of the tenants' application are hereby dismissed.

\$100.00: *filing fee*

As the tenants have achieved partial success with their application, I find that they have established entitlement to recovery of **\$50.00**, or half the filing fee.

Entitlement: \$537.00 (\$250.00 + \$237.00 + \$50.00)

Conclusion

I hereby order that the tenants may withhold **\$537.00** from the next regular payment of monthly rent.

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: November 13, 2013

Residential Tenancy Branch

