



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, RR, FF, O

### Introduction

This matter dealt with an application by the Tenants for compensation for damage or loss under the Act, regulations or tenancy agreement, for a rent reduction because of the restriction of facilities or services, for the recovery of the filing fee and for other considerations.

The Tenant said she served the Landlord with the Application and Notice of Hearing (the “hearing package”) by registered mail on November 5, 2013. Based on the evidence of the Tenant, I find that the Landlord was served with the Tenant’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Landlord’s absences.

### Issues(s) to be Decided

1. Are the Tenants entitled to compensation for loss or damage and if so how much?
2. Are the Tenants entitled to a rent reduction and if so how much?
3. What other considerations are there?

### Background and Evidence

This tenancy started on April 1, 2012 as a month to month tenancy. Rent is \$975.00 per month payable on the last day of the month. The Tenant paid a security deposit of \$487.50 on April 1, 2012 and a pet deposit of \$200.00 on April 30, 2012.

The Tenant said the Landlord restricted the use of the laundry facilities when the Tenants started using cloth diapers for their new baby. The Tenant said the Landlord said it was his right to restrict the laundry services as they were using too much hot water. The Tenant said the laundry service is included in the tenancy agreement as free or part of the rent and there is no restriction on the amount of use of the laundry facility. As a result the Tenant is requesting \$200.00 in compensation as this is an important part of the tenancy to the Tenants.

The Tenant continued to say that because of the restricted use of the laundry facilities they have ended the tenancy with a mutual agreement to end the tenancy. The Tenant said the tenancy will end December 31, 2013.

Further the Tenant said the Landlord has not been doing the yard work and the Landlord has not repaired the windows and the door which he said he would do at the start of the tenancy.

The Tenants also requested to recover the filing fee for this application of \$50.00 from the Landlord.

### Analysis

**Section 27** of the Act says (1) A landlord must not terminate or restrict a service or facility if

(a) the service or facility is essential to the tenant's use of the rental unit as living accommodation, or

(b) providing the service or facility is a material term of the tenancy agreement.

(2) A landlord may terminate or restrict a service or facility, other than one referred to in subsection (1), if the landlord

(a) gives 30 days' written notice, in the approved form, of the termination or restriction, and

(b) reduces the rent in an amount that is equivalent to the reduction in the value of the tenancy agreement resulting from the termination or restriction of the service or facility.

I accept the Tenants affirmed testimony and evidence that the Landlord restricted the laundry facilities and this was a material term of the tenancy agreement; therefore I find for the Tenants and I award the Tenants \$200.00 as compensation for the restricted use of the laundry for October, November and December, 2013.

As the Tenants have been successful in this matter, the Tenants are also entitled to recover from the Landlord the \$50.00 filing fee for this proceeding.

I award the Tenants a Monetary Order for \$250.00 which represents \$200.00 for the restriction of the laundry facilities and \$50.00 for the filing fee.

Conclusion

A Monetary Order in the amount of \$250.00 has been issued to the Tenants. A copy of the Order must be served on the Landlord: the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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: December 30, 2013

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Residential Tenancy Branch

