



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: FF MND MNDC MNSD

Introduction

On September 17, 2013 a decision was issued dismissing all of the landlord's claims for damages and loss and granting the tenant's claim for return of double the security deposit. The tenant was provided with a Monetary Order in the amount of \$2,000.00.

Pursuant to an Application for Review Consideration filed by the landlord, a review hearing was ordered on the basis the landlord had new and relevant evidence pertaining to his claim for re-installing the dining room light fixture.

Both parties appeared or were represented at the review hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and procedural matters

In filing an Application for Dispute Resolution, the landlord claimed of \$100.00 to re-install a light fixture. This claim was dismissed due to insufficient evidence and lack of verification for the amounts claimed.

The landlord was of the position that the purpose of the review hearing was to consider a claim of \$150.00 (plus tax) for re-installing the light fixture and the cost to inspect the entire electrical system in the rental unit based upon an estimate received from an electrician after the original hearing.

I explained to the landlord that the purpose of the review hearing was to consider new and relevant evidence as it pertains to the original claim. In other words, a review hearing is not an avenue to amend an application to increase the amount claimed or include damages or loss not originally claimed.

Issue(s) to be Decided

Should the original decision and Order be confirmed, varied or set aside?

Background and Evidence

It was undisputed that during the tenancy a co-tenant had removed the existing light fixture in the dining room and installed a light fixture that was left at the property by the landlord.

The tenant submitted that after the original hearing the tenant learned that the co-tenant is qualified and certified to perform installation of electrical fixtures in the U.K. but not in Canada.

The landlord testified that an electrician has since removed the light fixture installed by the co-tenant but has not yet re-installed the original light fixture. The landlord stated that he has not yet received an invoice for electrical work performed by the electrician as the electrician is in the process of performing other electrical work at the rental unit. The landlord submitted that I call the electrician to verify the landlord's statements. During the hearing, I made three calls to the telephone numbers provided on the electrician's letterhead. The electrician could not be reached during the hearing.

The tenant agreed to compensate the landlord \$100.00 for re-installation of the dining room light fixture as originally claimed by the landlord.

Analysis

The landlord is awarded \$100.00 as originally claimed, and agreed to by the tenant at the review hearing, to re-install the original light fixture in the dining area.

In light of the above, I vary the original decision to reflect a \$100.00 award to the landlord for re-installation of the dining room light fixture. Accordingly, the Monetary Order previously provided to the tenant is no longer of any effect and is replaced by the Monetary Order provided with this decision, in the amount of \$1,900.00. To enforce this Monetary Order it must be served upon the landlord and it may be filed in Provincial Court (Small Claims) to enforce as an Order of the court.

Conclusion

The decision of September 17, 2013 is varied to reflect an award of \$100.00 to the landlord for re-installation of the dining room light fixture. The Monetary Order issued

September 17, 2013 is no longer of any effect and has been replaced by a Monetary Order issued this date, in the amount of \$1,900.00.

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 17, 2013

Residential Tenancy Branch