



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0905929 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to allow a tenant to reduce rent for services agreed upon but not provided.

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant testified the Application for Dispute Resolution and Notice of Hearing were served in person on August 28, 2013. I find that the landlord has been duly served in accordance with the Act.

The tenant appeared gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Issues to be Decided

Should the tenant be allowed to reduce rent for services agreed upon by not provided.

Background and Evidence

The tenancy began on December 2011. Rent in the amount of \$600.00 is payable each month.

The tenant testified that the landlord has breach their tenancy agreement as the electricity was to be provided in the rent. The tenant seeks a rent reduced to recover the amount they paid. Filed in evidence is a copy of the tenancy agreement. Filed in evidence is a copy of the electrical invoice.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, the evidence of the tenant was that electricity was included in rent. However, upon my review of the tenancy agreement filed as evidence, Term 3 b) what is included in rent, electricity is not check off. As a result, I find the tenant has failed to prove that the landlord has violated the Act or the tenancy agreement. As a result, the tenant has failed to prove their claim.

Therefore, I find the tenant's application is dismissed.

Conclusion

The tenant's application is dismissed.

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 05, 2013

Residential Tenancy Branch

