



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hardy Enterprises Limited
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OLC; PSF; FF

Introduction

This Hearing dealt with the Tenant's Application for Dispute Resolution seeking an Order that the Landlords comply with the Act, regulation or tenancy agreement; an Order that the Landlords provide services or facilities required by law; and to recover the cost of the filing fee from the Landlords.

The Hearing was conducted via teleconference and was attended by both parties, who gave affirmed testimony.

It was determined that the Landlords were served with the Notice of Hearing documents on May 22, 2014, and that the parties have exchanged their documentary evidence.

Issues to be Decided

Should the Landlords be ordered to comply with Section 32 of the Act and to provide the Tenant with sufficient heat to the rental unit?

Background and Evidence

This tenancy began on April 1, 2013. Monthly rent is \$855.00, due on the first day of each month. Rent includes heat. The rental property is a 3 – 4 storey wood frame building, built in the 1960s. The primary heat source is "newer" boiler system, which the Landlord's agent KH states was inspected just before the Tenant moved into the rental unit, and which KH testified is working well.

The Tenant testified that the Landlord's agent turned off the heat to the building for 15 days in May, 2014, and that he was cold.

KH testified that the other 34 tenants in the building are happy with the amount of heat and that some are too hot in the summer months.

The Tenant stated that he had two space heaters, but that his electricity bills are higher because he has the space heaters on.

During the course of the Hearing, the parties showed willingness to attempt to come to an agreement with respect to the Tenant's additional heating costs. The Tenant agreed to provide the Landlords with copies of his bi-monthly electricity bills starting in July, 2014, for at least three billing cycles. KH agreed to compensate the Tenant for demonstrated additional hydro costs incurred as a result of the rental unit being too cold for the Tenant.

Analysis

The parties are attempting to come to an agreement with respect to the Tenant's application, and therefore I dismiss the Tenant's application **with leave to reapply**. In the event that the parties cannot agree on suitable compensation, the Tenant may file another Application for Dispute Resolution.

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: June 30, 2014

Residential Tenancy Branch

