



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, MNDC, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order for the Landlord to comply with the Act – Section 62; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amounts claimed?

Is the Tenant entitled to an order that the Landlord comply with the Act?

Background and Evidence

The following is undisputed evidence: The tenancy began on June 1, 2014. Rent of \$1,000.00 is payable in advance on the first day of each month. In the middle of June the unit was flooded. The Parties agreed that the Tenant would be compensated \$50.00 for each week until repairs were done. The repairs were finished at the beginning of September 2014. The Landlord paid the Tenants \$300.00 in compensation.

The Tenant states that since the repairs were not done until September 1, 2014 and since the repairs lasted a period of 10 weeks the Landlord should have paid them \$500.00 as agreed. The Landlord states that there was never any agreement to pay the Tenants for June 2014 and that the Tenants refused access to the contractor causing a delay on the completion of the repairs. The Tenant states that this occurred only once on a Friday at the beginning of August 2014 and that the contractor was told to return on Monday instead. The Tenant states that the Landlord allowed the contractor access to their unit whenever the contractor wanted and that the Tenant never received any notice of when the contractor would appear. The Landlord states that the key was given to the building manager who was to give the Tenants 24 hours notice to attend the unit. The Landlord that he are unsure any notice of entry was given to the Tenant.

The Tenant claims \$200.00 based on the agreement and \$200.00 for the Landlord not paying the Tenant as agreed.

Analysis

Section 32 of the Act provides that a landlord must provide and maintain residential property in a state of decoration and repair that complies with the health, safety and housing standards required by law, and having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant. Section 7 of the Act provides that where a landlord does not comply with the Act, regulation or tenancy agreement, the landlord must compensate the tenant for damage or loss that results. Accepting that the Tenant was not provided with notices of access for the completion of the repairs, I find that the Landlord has not substantiated that the Tenant caused any delay on the repairs in August 2014. Further it is clear that the unit required repairs during the month of June 2014. Based on the undisputed evidence of agreed compensation at the rate of \$50.00 per week, that the repairs arose and were completed over a period of 10 weeks and considering that the Landlord only paid compensation of \$300.00, I find that the Tenant has substantiated its claim for **\$200.00**. I dismiss the claim for an additional \$200.00. As the Tenant has been successful with its application I find that the Tenant is also entitled to recovery of the **\$50.00** filing fee for

a total entitlement of **\$250.00**. The Tenant may deduct this amount from future rent in full satisfaction of the claim.

Conclusion

I grant the Tenant an order under Section 67 of the Act for **\$250.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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 3, 2014

Residential Tenancy Branch

