



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNR, O, OLC, RP

Introduction

This is an application for repair order and a monetary order.

The applicant testified, and provided evidence that the respondent was served with notice of the hearing by registered mail that was mailed on December 4, 2014; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing and I therefore proceeded with the hearing in the absence of the respondent.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issues are whether or not the applicant has established the need for repairs to the rental unit, and whether or not the applicant is established monetary claim against the respondent.

Background and Evidence

The applicant has stated that she has been dealing with the problem with the kitchen sink since January 2014, and that the kitchen sink will not drain whatsoever.

The applicant also stated that the bathrooms sink and tub taps leak and that there is inadequate ventilation in the bathroom resulting in a problem caused by high moisture.

The applicant also stated that the electrical system in the rental unit is inadequate and results in the breakers tripping on frequent occasions.

The applicant further stated that she has sent two letters to the landlord, one in August of 2014, and another in November of 2014, however the problems have not been rectified nor has the landlord hired a qualified plumber or electrician to resolve the issues.

The applicant is asking for repair of these items, and is also requesting compensation totaling \$19,935.00 for loss of use and enjoyment caused by the above problems.

Analysis

It is my finding that the applicant has shown that there is a need for repairs to the kitchen sink/drain, and a need for repairs to the bathrooms tub and sink taps, and I therefore have issued an order that the landlord have a qualified/licensed plumber rectify these issues.

It is also my finding that the applicant has shown that there is a need to have the electrical system in the rental property assessed by a qualified/licensed electrician to ensure that the electrical system is operating safely.

It is also my finding that the applicant is shown that the ventilation in the bathroom of the rental unit is inadequate and therefore I have issued an order that the landlord have a qualified/licensed electrician install a proper ventilation fan in the bathroom of the rental unit.

It is my decision however that I will not allow the tenant's request for \$19,935.00 for loss of use and enjoyment of the rental unit. I accept that the tenant has had a loss of use and enjoyment, however the tenant had the right to file of request for a repair order at the time that the issues originally occurred and failed to do so and therefore it's my finding that she did not take all the steps required to mitigate her loss.

That being said, it is my decision that I will allow the tenant to reduce the rent by 50% as of today's date until the repairs are completed. This includes January 2015 rent.

Conclusion

I have issued a repair order against the landlord and a copy has been provided with this decision.

I also order that the rent is reduced by 50% to \$487.50 starting January 2015 and continuing until the landlord has completed all the order repairs.

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: January 05, 2015

Residential Tenancy Branch

