



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT Limited Partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RR FF

Introduction

This hearing dealt with the tenant's application for a reduction in rent. The tenant and the landlord's agent participated in the teleconference hearing.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. Both parties were given full opportunity to give testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the tenant entitled to a reduction in rent?

Background and Evidence

The tenant's rental unit is located on the sixth floor of an apartment building that is serviced by one elevator. The tenant's car is parked in the parkade that is located one floor below ground level, and the laundry facilities are located on the ground floor. The elevator for the building was out of service for 27 days, between October 10, 2014 and November 6, 2014. The landlord denied the tenant's request for a reduction in rent for the 27 days that the elevator was not working.

The tenant stated that she had to use the stairs daily during this time to go to work, and she often had to carry groceries up to her unit. The tenant stated that she also had to carry her laundry down and up the stairs once a week, when she did laundry. On one occasion she had to carry her suitcase all the way down to the parkade and then back up again when she returned. The tenant stated that she is 57 years old and she believes if all the services she pays for are not provided, she should not have to pay the

full rent. The tenant applied for compensation of \$5.00 per day for the 27 days that the elevator was not working.

The landlord submitted draft purchase orders showing that they had the elevator serviced on five dates between October 15, 2014 and November 3, 2014. The landlord's position remained that the tenant was not entitled to compensation for loss of use of the elevator.

Analysis

Based on the evidence, I find that the tenant is entitled to compensation as claimed for loss of use of the elevator. I find that the tenant would have used the elevator if it had been working, and it was an inconvenience for her to have to use the stairs. I find that the elevator is a service or facility that is included in the tenant's rent, and the loss of use of that service or facility is compensable.

I grant the tenant \$135.00 for loss of use of the elevator for 27 days between October 10, 2014 and November 6, 2014. As the tenant's application was successful, she is also entitled to recovery of the \$50.00 filing fee for the cost of her application.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$185.00. The tenant may deduct this amount from her next month's rent.

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 15, 2015

Residential Tenancy Branch

