



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, RP, RR

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The Residential Tenancy Act permits a tenant to serve a landlord by mailing, by registered mail to where the landlord carries on business. The Supreme Court of British Columbia has held that a party cannot avoid service by refusing to pick up their registered mail. I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord by mailing on August 24, 2015, by registered mail to where the landlord carries on business. I determined there was sufficient service despite the landlord refusing to pick up its registered mail package and the return of the documents to the tenant. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order for repairs?
- b. Whether the tenant is entitled to an order for the abatement of past or future rent and if so how much?
- c. Whether the tenant is entitled to a monetary order?
- d. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began in the summer of 2011. The tenancy agreement provided that the tenant(s) would pay rent of \$1010 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$505 at the start of the service.

The tenant has asked the landlord to make repairs but the landlord has failed to do so.

Application for a Repair Order

With respect to each of I ordered the landlord to make the following repairs

- a. Repair the leaking faucet in the kitchen
- b. Fix the kitchen floor near the stove
- c. Fix the washroom door so that it can fully close
- d. Fix the ceiling by the front door
- e. Fix the towel rack in the bathroom.

I further order that the repairs be complete by October 31, 2015.

Reduction of Rent

I further ordered that if the landlord fails to make the repairs as set out above the rent shall be reduced by \$50 per month commencing November 1, 2015 and on the first day of each month thereafter until all of the repairs are completed.

Monetary Order:

I determined the tenants are entitled to the sum of \$200 for the reduced value of the tenancy. The tenants have asked the landlord to make the repairs for over 6 months but the landlord has failed to do so. It has reduced the tenants' enjoyment of the rental unit. I ordered that the landlord pay to the tenant the sum of \$200 plus \$50 for the cost of the filing fee for a total of \$250 such sum may be deducted from future rent.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Monetary Order, the Order may be filed in the Small Claims division of the Provincial 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: October 07, 2015

Residential Tenancy Branch

