



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, RR, 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 a rent reduction - Section 65;
3. An Order for the Landlord to comply - Section 62; and
4. An Order to recover the filing fee for this application - Section 72.

I accept the Tenant’s evidence that the Landlord was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Landlord did not attend the hearing. The Tenant was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Has the Landlord breached an order?

Is the Tenant entitled to compensation?

Is the Tenant entitled to a rent reduction?

Background and Evidence

The tenancy started on October 1, 2014. Rent of \$1,281.00 is payable monthly on the first day of each month. The tenancy agreement includes the provision of a security system that uses an intercom and codes for access into the rental building.

In a Decision dated August 31, 2015 the Landlord was given the following order:

“I hereby order that the landlord remove from its intercom system in this building all codes related to tenancies that have ended, or otherwise take steps to ensure that the codes of former tenants no longer permit access to this apartment building. I order that the landlord have 90 days to do so commencing from the date the tenant serves a copy of this decision on it.”

The Landlord has not complied with the order to date. Previous tenants are able to access the building by using their old codes and the Tenant states that the security system is therefore compromised. The Tenant seeks compensation for the loss of the security to date and a rent reduction until the order above is followed by the Landlord.

Analysis

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. Section 77 of the Act provides that a decision or an order of the director is final and binding on the parties. The dispute over the security codes and system was dealt with at the previous hearing and there is no indication that the Tenant sought compensation in relation to that dispute in that previous application. The Decision dated August 31, 2015 dealt with the dispute and ordered the Landlord to address the security system. This Decision did not give leave to the Tenant to claim compensation for the period prior to that Decision. I find therefore that the Tenant may only claim compensation for the loss arising from the breach of the order.

Based on the undisputed evidence that the Landlord failed to act by November 30, 2015 as ordered and considering that this failure to act has resulted in a loss of security for the Tenant I find that the Tenant suffered a reduction in the value of the tenancy and is entitled to compensation of \$100.00 per month from December 1, 2015 to March 1, 2015 inclusive for a total of **\$400.00**. The Tenant is also entitled to an ongoing rent reduction of **\$100.00** monthly from April 1, 2016 forward where Landlord fails to act as ordered for any part of the previous month. 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 **\$450.00**. The Tenant may deduct this amount from future rent payable in full satisfaction of this claim.

Conclusion

I grant the Tenant an order under Section 67 of the Act for **\$450.00**. 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: January 29, 2016

Residential Tenancy Branch

