



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DON WON APARTMENTS LTD.

DECISION

Dispute Codes ERP, OLC, PSF, RP, RR, O, FF

Introduction

The tenants apply to be reimbursed for the cost of portable heaters for the rental unit and an extension cord to run them. By amendment to the claim they also seek to challenge an unspecified, un-submitted eviction notice.

At hearing the tenant Mr. R. stated that he also sought compensation for lack of adequate heat in this rental unit.

The tenants have not submitted the eviction notice as required by Rule 2.5 of the Rules of Procedure. Apparently it is a two month Notice to End Tenancy for repair or renovation work. As stated at hearing, the tenants must make a formal application to cancel that Notice and must provide a copy of the Notice with the application. The amendment to this claim does not sufficiently particularize such a claim. He is free to re-apply.

As well, as stated at hearing, the tenants' claim does not disclose a claim for compensation for lack of adequate heating. They are free to re-apply in that regard.

Issue(s) to be Decided

The parties agree that the sole issues are whether the tenants were entitled to purchase portable heaters and whether the landlord is responsible for their cost.

Background and Evidence

The rental unit is a two bedroom apartment. The attending tenant has lived in the building for about five years and in this particular apartment for two or three years. There is a written tenancy agreement but neither side had a copy handy during this hearing. The rent is \$1898.00 per month. The landlord holds a \$900.00 security deposit.

The landlord had installed a new hot water heating system in the apartment building.

The heating in the tenants' apartment was not working properly. It was reported to the landlord and the landlord has dispensed various workmen to try to fix the problem.

The tenant Mr. R. notified the landlord of the lack of heat in November. He reports temperatures of 17 degrees on November 23 and 13 degrees on November 24.

The tenant purchased three electrical heaters and a 50' extension cord to help heat the rental unit, at a cost of \$189.92.

The landlord's representative has received the bills for the heaters and cord and does not object to having to pay for the cost of the heaters and cord.

Analysis

I award the tenant \$289.92 for the cost of the three heaters and cord.

The tenants will be responsible to turn possession of these four items over to the landlord at the end of the tenancy.

The tenants are entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

The tenants are entitled to a monetary award totalling \$389.92. I authorize them to reduce their next rent due by \$389.92 in full satisfaction of this award.

This decision was rendered orally at hearing and 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 24, 2017

Residential Tenancy Branch