



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Aileen Del Rosario/Irwin Motel Manangan and Norcal Prime Equity Corp.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RR, FF

Introduction

This was an application by the tenants to reduce their rent pending the completion of repairs. Only the tenants were represented at this conference call hearing.

Issue(s) to be Decided

Are the tenants entitled to the reduction of their rent pending repairs?

Preliminary Matters

At the outset of the hearing the tenant JB advised that he brought this application under the Residential Tenancy Act in error in that it should have been brought under the Manufactured Home Park Tenancy Act. I have amended the application and corrected it accordingly.

The tenant testified that he served both landlords by delivering the applications for dispute resolution to their place of business on January 21, 2017. Accordingly I find that the landlords were deemed to have been served by January 24, 2017.

Background and Evidence

The tenant submitted that he and his wife the co-tenant have been living in this park since 1992 with a current monthly rent of \$ 353.00 due on the first day of each month.

In a previous decision dated December 29, 2016 the landlords were ordered to replace the power pole that holds the meter that provides electricity to the tenants' site no later than January 15, 2017. The tenant testified that to date the repair had not taken place. The tenant requested a fifty per cent reduction of the rent until the repairs were made.

Analysis

The landlords were required to make the aforementioned repair by January 15, 2017 as ordered by the arbitrator in a decision dated December 29, 2016. I accept the tenant's evidence that to date the landlord has either neglected or refused to perfect the repairs.

I find that the landlords have not complied with section 26, 27 of the Act and a previous order issued by another arbitrator. I find that the value of the tenancy has been reduced by \$ 100.00 per month and according I order that the tenants' rent be reduced by that amount commencing on March 1, 2017 and every month thereafter until such time as when the landlords using a certified technician, replace the aforementioned power pole and deliver written notice to the tenants of that completion. After that time the tenants are required to pay the regular rent without any reduction. The tenants have leave to reapply should they believe the repairs were not perfected satisfactorily. The tenants shall recover their filing fee amounting to \$ 100.00.

Conclusion

I have ordered that the tenants' rent be reduced by \$ 100.00 per month commencing March 1, 2017 and every month thereafter until the aforementioned repairs are perfected. The tenants are permitted to deduct the additional sum of \$ 100.00 from their next rental payment representing the recovery of the filing fee herein. The tenants have leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: February 14, 2017

Residential Tenancy Branch