



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      RP, RPP, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants to have the landlords make repairs to the rental unit, premise or property, to reduce rent for repairs, services or facilities agreed upon but not provided and to recover the cost of the filing fee.

The tenants attended the hearing. As the landlords did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenants testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail sent on March 6, 2021. Canada post tracking numbers were provided as evidence of service. The Canada post tracking history shows they were successfully delivered to the landlords on March 8, 2021.

I find that the landlords were duly served in accordance with the Act.

At the outset of the hearing, the tenants stated they no longer require an order for repair as the repair to the roof was made on or about March 25, 2021.

### Issue to be Decided

Are the tenants entitled to rent reduction?

### Background and Evidence

The tenancy began on October 1, 2013. Rent in the amount of \$1,066.00 was payable on the first of each month. A security deposit of \$500.00 was paid by the tenants.

The tenants testified that on January 6, 2021 they request repairs be made to the roof, as water was leaking through the ceiling in the main bedroom. The tenants stated that the leak then spread into the second bedroom. The tenants stated they had to use buckets to catch the dripping water and to clean up water. The tenants stated that the landlords finally made the repair on or about March 25, 2021; however, they had to deal with the leaking water during this time period.

The tenants testified that they asked the landlords for a rent reduction; however, they refused saying that their rent was already low. The tenants stated it should not matter what their rent is because they are entitled to a rental unit that is free from water leaking through the ceiling. The tenants stated they thought a fair amount for a rent reduction was \$200.00 per month.

Filed in evidence are photographs showing the ceiling leaking, and correspondence with the landlords.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

#### **Landlord and tenant obligations to repair and maintain**

- 32** (1)A landlord must provide and maintain residential property in a state of decoration and repair that
- (a)complies with the health, safety and housing standards required by law, and
  - (b)having regard to the age, character, and location of the rental unit, makes it suitable for occupation by a tenant.

In this case, the landlords received the tenants' application for dispute resolution. The landlords did not appear. Therefore, I find the tenants application is unopposed.

I accept the unopposed evidence of the tenants that they had water entering the rental unit due to a leak in the roof from January 6, 2021 to March 25, 2021. I find the repair

was not made within a reasonable time. I find this was more than just temporary inconvenience. I find the tenants are entitled to a rent reduction of \$200.00 for each month the leak in the roof was not repaired. Therefore, I grant the tenants' application for a rent reduction in the total amount of **\$600.00**.

I find the tenants have established a total monetary claim of **\$700.00** comprised of the above amount and the \$100.00 to recover the cost of the filing fee from the landlords.

I authorize the tenants to deduction the amount of **\$700.00** from the July 2021 rent in full satisfaction of the claim.

### Conclusion

The tenants' application for a rent reduction is granted. I authorize the tenants a one time rent reduction in the above amount in full satisfaction of the claim.

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 1, 2021

---

Residential Tenancy Branch