



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRIGHTSIDE COMMUNITY HOUSING
FOUNDATION and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RR, RP

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order to the landlord to make repairs to the rental unit pursuant to section 32; and
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

At the outset of the hearing, I explained to the parties that as these hearings were teleconferences, the parties could not see each other, so to ensure an efficient, respectful hearing, this would rely on each party taking a turn to have their say. As such, when one party is talking, I asked that the other party not interrupt or respond unless prompted by myself. Furthermore, if a party had an issue with what had been said, they were advised to make a note of it and when it was their turn, they would have an opportunity to address these concerns. The parties were also informed that recording of the hearing was prohibited, and they were reminded to refrain from doing so.

All parties acknowledged these terms. As well, all parties in attendance provided a solemn affirmation. All parties acknowledged the evidence submitted and were given an opportunity to be heard, to present sworn testimony, and to make submissions. I explained the hearing and settlement processes to both parties. Both parties had an opportunity to ask questions. Both parties confirmed that they were ready to proceed with the hearing, they did not want to settle this application, and they wanted me to make a decision regarding this application. Neither party made any adjournment or accommodation requests. I have reviewed all oral and written submissions before me; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

Is the tenant entitled to an order requiring the landlord to perform regular repairs to the rental unit?

Is the tenant entitled to a rent reduction?

Background and Evidence

PB testified that he moved into the unit in February 2005. His currently monthly rent of \$375.00 is due on the first day of the month. PB testified that since “about 2012 or 2013” the compressors on the fridge keep him awake at night requiring him to unplug the fridge so that he can sleep. PB testified that his food is spoiling much more quickly because of unplugging his fridge. PB requests a \$75.00 rent reduction per month from today onward until the landlord addresses the fridge issue.

SB testified that the tenant has received replacement fridges almost yearly for the past ten years. SB testified that the tenant was given a new fridge in June and complained about that one as well. SB testified that they had a technician come in and test the fridge and that it was working as it should. SB testified that the technician also included some insulation padding to reduce the noise even further. SB submits that the tenant is extremely sensitive to sound and that even a brand-new fridge doesn't satisfy him.

Analysis

When a party makes an application, they bear the burden of providing sufficient evidence to support their claim. The tenant testified that he has had issues with numerous fridges for over ten years. The landlord has provided many replacement fridges including a brand new one as of June 2022. The landlord submits that the tenant is just extremely sensitive and despite the landlord incurring extra cost to insulate the new fridge to reduce noise, the tenant is still unhappy. I find that the tenant has failed to provide sufficient evidence to have me order that the landlord conduct repairs. I find that the landlord has done everything they reasonably could do to address the issue; accordingly, I dismiss the tenants request for a repair order and also dismiss any future rent reductions as requested.

Conclusion

The tenant's application is dismissed in its entirety without 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 *Residential Tenancy Act*.

Dated: November 07, 2022

Residential Tenancy Branch