



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, RR

Introduction

This hearing was convened in response to an application filed by the tenant seeking to compel the landlord to allow the tenant to have access to or from the unit or site for the tenant and/or his guests and to allow the tenant to reduce his rent for repairs, services or facilities agreed upon but not provided.

The tenant supplied evidence to show that he served the tenant with notice of this hearing and his application by way of registered mail which was returned. I therefore find that the landlord has been duly served with notice of this hearing and this claim although he failed to appear at the hearing.

The tenant gave evidence under oath.

Issue(s) to be Decided

Is the tenant entitled to the Orders sought?

Background and Evidence

The tenant testified that his rent includes one parking spot although he has been unable to use the parking spot assigned to him because the building manager parks in such a manner as to make his spot inaccessible. The tenant admits that he does not have a car but he says his rent includes a parking spot and he would like to have access to the spot for his guests. In one instance a guest was forced to park on the street and her car was broken into.

The tenant submits the landlord does not allow him to have overnight guests and he would like to be able to have overnight guests.

The tenant says he pays \$515.00 in rent per month. The tenant says he viewed the rental unit prior to agreeing to rent it but the landlord did not allow him to see the rental

unit prior to moving in nor did the landlord prepare a Condition Inspection Report. The landlord insisted on receiving a security deposit and first month's rent and the tenant paid these sums because he had no place else to go. The tenant submits that the landlord told him to make a list of deficiencies and he did so and he turned the list over to the landlord but the repairs are still not completed.

The tenant is seeking a rental reduction until the following repairs are completed:

- Repair baseboards under TV
- Replaces 2 vent covers
- Replace or repair bathroom door that does not shut
- Add a back wall under the sink
- Install towel and toilet paper racks in bathroom
- Install blinds on bedroom window
- Repair dents in the walls and cat scratches left by former tenant
- Paint the rental unit to remove tobacco residue from walls in this non-smoking unit
- Repair water damaged bedroom ceiling and remove black mould
- Repair kitchen floor
- Repair front door
- Add faceplates to electrical switches
- Clear dirt all along the base boards
- Remove plastic from bathroom window to make it accessible
- Complete drywall repairs which were started and not completed leaving exposed drywall mud
- Repair the electrical hazard under the kitchen sink
- Remove dirt and hair from all window rails
- Allow access to the tenant's guests for overnight visits
- Allow access to the tenant and/or his guests to use his parking stall

Analysis

Although duly served with Notice of this claim and this hearing the landlord did not attend. Therefore, based on the undisputed evidence of the tenant I find that the tenant is entitled to a rental reduction of \$75.00 per month until the above-listed repairs are complete.

I also direct the landlord to provide the tenant with full access to his parking stall and I direct the landlord to refrain from interfering with the tenant's guests.

The \$75.00 rental reduction will continue until the parties agree that the repairs are complete. If the parties cannot agree that the repairs have been completed the landlord is directed to make application to the Residential Tenancy Branch to prove that the repairs have been completed and to seek to have this rental reduction Order rescinded.

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: September 18, 2012.

Residential Tenancy Branch