



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC

Introduction

This hearing dealt with an application by the tenant for an order for compensation under the *Act*. Both parties attended the hearing and had opportunity to be heard. The tenant was represented by an advocate and the landlord was represented by the resident manager.

Issue to be Decided

Did the landlord fail to provide the tenant with services that are included in the rent? Is the tenant entitled to compensation?

Background and Evidence

The tenancy began on June 01, 2010. The monthly rent is \$410.00 due on the first of each month. The rental unit is located on the fourth floor of a building that does not have an elevator.

The tenant stated that from the start of tenancy he made several requests for a refrigerator to the resident manager. The resident manager agreed that a refrigerator was included in the rent and not provided to the tenant, but denied having received any such requests for one. The resident manager stated that if the tenant's requests were denied, he had the opportunity to contact the owners of the complex. The resident manager stated that tenants routinely ask that a refrigerator be removed from the rental unit and therefore this tenant was not supplied with one.

The tenant stated that residing on the fourth floor without an elevator and without a refrigerator to store food in; he was forced to make several trips a day out of the rental complex to eat his meals, which caused him some hardship.

The tenant stated that after his requests were not granted, he approached an advocacy program for help with writing a letter to the landlord, requesting that a refrigerator be provided for his use. Upon serving the landlord with a letter in December 2012, the tenant received a refrigerator immediately.

The tenant has applied for compensation in the amount of \$720.00 which works out to be approximately \$25.00 per month for the months that he was without a refrigerator.

Analysis

Based on the sworn testimony of both parties I find that the refrigerator was a service that was included in the rent but not provided to the tenant. Even though the parties provided contradicting testimony regarding the tenant's request for a refrigerator, I find that on a balance of probabilities, it is more likely than not that the tenant made several requests for a refrigerator and eventually had to seek help from the advocacy program to obtain one.

Accordingly, I find that the tenant is entitled to compensation for the hardship he endured for the months of tenancy without this service. The tenant was without this service for a total of 29 months and has requested \$720.00 as compensation. I find that the quantum of the tenant's application is reasonable and therefore I award him this amount.

I grant the tenant an order under section 67 of the *Residential Tenancy Act* for \$720.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the tenant a monetary order for \$720.00.

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: April 04, 2013

Residential Tenancy Branch

