



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Decision Codes: MNDCT, PSF, RP, FFT

Introduction

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. A monetary order in the sum of \$250
- b. An order that the landlord provide services or facilities required by law
- c. An order that the landlord make repairs to the rental unit.
- d. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the agent for the landlord on October 16, 2018. With respect to each of the applicant's claims I find as follows:

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the Tenant is entitled to an order that the landlord provide services or facilities required by law?
- b. Whether the tenant is entitled to a repair order?
- c. Whether the tenant is entitled to a monetary order for the reduced value of the tenancy and if so how much?
- d. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on January 1, 2012. The present monthly rent is \$1575 per month payable in advance of the first day of the month. The tenant paid a security deposit of \$687.50 and a pet damage deposit of \$687.50 at the start of the tenancy.

The rental property experienced a break down of their heating system in December of 2017. The landlord made temporary arrangements to heat the place for the winter and spring of 2018. The landlord also made arrangements to have the heating system replaced with work to take place during the summer of 2018. On a temporary basis the landlord provided space heaters. In September 2018 it became apparent that there was an unanticipated problem connecting the heating system and more work to be was necessary to complete the installation. The heating system was finally up and running on October 16, 2018.

The tenant testified there was a problem with the electrical system and it was not possible to run space heaters as the fuses kept cutting the power. The tenant testified he advised the landlord's agent in September. The landlord testified they were not aware of the problem until the middle of October. They immediately retained the services of an electrician who made a temporary fix and returned a couple of days later to replace the fuse box with a breaker system. The breaker system was installed around the middle of October. The tenant seeks compensation for a lack of heat for the period of early September 2018 to October 16, 2018 and reimbursement of the cost of the filing fee. The landlord submitted the tenant failed to advise them of the electrical problem until October.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) as follows:

- a. The landlord shall pay to the Tenant the sum of \$275 in satisfaction of the monetary claim and the claim to recover the cost of the filing fee. .
- b. This is a full and final settlement of all claims raised in this application and the Tenant releases and discharges the landlord from any further claims arising from this Application for Dispute resolution.

Monetary Order and Cost of Filing fee

As a result of the settlement I ordered the landlord(s) to pay to the tenant the sum of \$275. All other claims are dismissed without leave to re-apply.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is final and binding on the parties.

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 26, 2018

Residential Tenancy Branch