



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: ERP, RP, FF

Introduction

This hearing dealt with an application from the tenants for an order requiring that the landlord make emergency and other repairs to the unit, and recovery of the filing fee for this application. Both parties participated in the hearing and each gave affirmed testimony.

Issues to be Decided

- Whether the tenants are entitled to an order requiring the landlord to undertake certain repairs
- Whether the tenants are entitled to recovery of the filing fee

Background and Evidence

By way of verbal requests and written notice, the tenants informed the landlord of certain emergency and other repairs required in the unit. In the absence of timely follow up by the landlord, the tenants made application for dispute resolution. In summary, the matters of concern are as follows:

- 1) shower curtain rod pulling away from the bathroom wall;
- 2) open cracks where the bathroom wall meets the top of the bathtub;
- 3) broken lock in the handle of the door for the entrance to the unit;
- 4) broken chain-lock (knob missing) at the entrance door to the unit;

- 5) uncovered light fixture on the kitchen ceiling;
- 6) crack / small hole near bottom of window in living room (facing the alley), and
- 7) loose hinge(s) on the entrance door to the unit.

During the hearing the parties respectfully afforded each other an opportunity to explain the concerns and exchange views.

Analysis

Section 32 of the *Act* speaks to **Landlord and tenant obligations to repair and maintain**, while section 33 of the *Act* addresses **Emergency Repairs**.

Pursuant to section 63 of the *Act*, through discussion the parties achieved a resolution of the dispute. Specifically, it was agreed that by January 23, 2009, the landlord will undertake to:

- 1) properly affix the shower curtain rod to the wall in the bathroom;
- 2) apply caulking or take some other measure adequate for sealing the open cracks where the bathroom wall meets the top of the bathtub;
- 3) replace the handle for the door at the front entrance to the unit with a "passage set;"
- 4) replace the broken chain-lock at the entrance door to the unit;
- 5) either find an adequate cover for the current light fixture or replace the light fixture on the kitchen ceiling;
- 6) apply caulking or epoxy or take some other action adequate for remedying the crack / small hole in the window in the living room (proper air temperature permitting), and
- 7) re-set the screws / hinge(s) on the entrance door to the unit.

Notwithstanding the landlord's undertaking that the above repairs will be completed by January 23, 2009, I hereby order the landlord to complete the repairs by no later than January 28, 2009.

Finally, I find that the tenants are entitled to recovery of the filing fee for this application. Accordingly, the tenants may deduct \$50.00 from the next regular payment of monthly rent.

Conclusion

I hereby order that the landlord complete all repairs, as above, by no later than **January 28, 2009**.

I hereby order that the tenants may recover the **\$50.00** filing fee for this application by way of deducting that amount from the next regular payment of monthly rent.

DATE: January 14, 2009

Dispute Resolution Officer