



Dispute Resolution Services

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

Decision

Dispute Codes: MNR FF

Introduction

This hearing dealt with an application by the tenants for a monetary order for the cost of emergency repairs. Both tenants and two witnesses for the landlord, the park manager and the maintenance person, participated in the teleconference hearing.

Issue(s) to be Decided

Are the tenants entitled to compensation for the cost of emergency repairs?

Background and Evidence

The tenants pay monthly pad rent in the amount of \$422.14. On January 24, 2009 the tenants were doing laundry when they realized that the water draining from the washing machine was backing up into their bathtub with fecal matter. The tenants first attempted to contact the park manager, who was not home, and then they contacted the maintenance man, RW. RW contacted the owner, whose response was that it was the tenants' problem.

The tenants called a plumber, who cleared the sewer line. The plumber diagnosed the problem as a blocked main drain, and wrote on the invoice as follows: "power augered through clean out 100 ft until clear. Vidio camera inspected after clearing the pipe. Found a belly in the sanitary sewer pipe 35 ft from the clean out between units. Need to excavate and repair pipe to prevent future blockages" (reproduced as written). The tenants explained that a "belly" refers to a dip or "U" in the pipe where sedimentation can occur. The tenants have claimed the cost of the plumber's bill, in the amount of

\$378.26.

The park manager stated that he was not present at the time of the incident and had nothing to say in regard to the tenants' application. The maintenance person, RW, stated that he received a call from the tenants, telling him that they had bubbles coming out of the bathtub. RW called the owner, who said that the problem must be the tenants' fault. RW was not aware of problems with other trailers, and based on his understanding of the plumber's diagnosis RW believes that other units along the same sewer line ought to have been affected.

Analysis

I accept the evidence of the tenants that a problem of an emergency nature occurred, and that it was the landlord's responsibility to deal with problems with the sewer line. The landlord has not provided any evidence to refute the plumber's diagnosis that a belly in the pipe caused a blockage in the pipe. I therefore find that the tenants are entitled to reimbursement of the cost of the emergency repairs. The tenants are also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The tenants are entitled to \$428.26, which they may deduct from future rent, ie. not pay any rent for the next month, representing compensation of \$422.14, and deduct \$6.12 from the rent owing for the month after that, for a total of \$428.26.

Dated April 28, 2009.