

DECISION

Dispute Codes MT, ERP

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order allowing the Tenant more time to make an application to cancel a Notice to End Tenancy - Section 66;
2. An Order for the Landlord to make emergency repairs - Section 32.

There are no issues in relation to service of documents and the Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter

On or about the 12th of March 2011, the Landlord served the Tenant with a One Month Notice to End Tenancy for Cause. This Notice however does not contain any reason for the cause and as such is found to be invalid. As the Notice is invalid, the matter of a time extension for the Tenant’s application does not need to be considered.

Issue(s) to be Decided

Is the Landlord required to make emergency repairs?

Background and Evidence

The Tenant states that there is a leak coming from an upper floor bathroom that cause water to leak down the pipes and through the floor to the lower level. The Tenant states

that this leak occurs when someone takes a shower but he is able to stop the water spreading by placing a pan under the leak. The Tenant states that no health or safety issues have arisen as a result of the leak. The Landlord states that he has attempted to fix the leak once and will return again to fix the leak once he has sufficient funds to cover the cost.

Analysis

As the Tenant has not provided any evidence that the leak is an emergency or requires repairs for health or safety reasons, I cannot find that the repairs requested are “emergency repairs for health or safety reasons”. Accordingly, I dismiss the Tenant’s application with leave to reapply, should the landlord not fix the leak within a reasonable time frame.

Conclusion

The Tenant’s application is dismissed with leave to reapply as set out above.

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 14, 2011.

Residential Tenancy Branch