



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, RP, FF

Introduction

This hearing dealt with an application by the tenant to order the landlord to make repairs, to order the landlord to make emergency repairs and recovery of the filing fee. Both parties participated in the conference call hearing and gave affirmed testimony.

Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

Background and Evidence

This tenancy began June 1, 2011.

On June 7, 2011 the tenant requested that building maintenance come to her unit to inspect as there was a leak in the kitchen, the counter around the sink was mouldy and rotten and that the curtains in the kitchen were missing.

The tenant at the start of this hearing testified that all of the repairs have now been completed by the landlord however the tenant believes that the counter top was finally replaced July 29, 2011 as the week prior the landlord had been served with the documents for this hearing. The landlord directly refuted this accusation and stated that the counter tops had to be custom ordered and 2 months was in fact a quick turnaround time to get them from the manufacturer.

The tenant's timeline which has been submitted into evidence shows that on June 7, 2011 the faucet in the kitchen was replaced and the counter top and missing kitchen curtains ordered that day. On July 8, 2011 the custom ordered kitchen curtains were provided to the tenant. On July 29, 2011 the counter top was replaced and the areas under the sink repaired.

The tenant in this hearing has requested to withdraw her application to order the landlord to make repairs and emergency repairs but is requesting recovery of the \$50.00 fee to bring this application forward.

Analysis

The tenant has withdrawn her application therefore it is dismissed without leave to reapply.

While considering the 2 month timeline taken complete the repairs it is acknowledged that the landlord did respond and fix a number of items in the unit in a timely fashion. The kitchen curtains and counter top had to be custom ordered and the counter top was replaced after the landlord was served with documents for this hearing which may or may not have had a bearing on the timing of this repair.

The repairs were completed after service of the hearing documents and the landlord did not provide a receipt or other evidence to show when they took receipt of the custom ordered counter top.

Therefore I find that the tenant is entitled to return of the \$50.00 filing fee.

Conclusion

The tenant's application is dismissed without leave to reapply.

The tenant may deduct \$50.00, one time, from future rent owed to the landlord for recovery of the filing fee paid to bring their application.

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: August 22, 2011.

Residential Tenancy Branch