



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, ERP, RR

Introduction

This hearing was scheduled to deal with the tenant's application for a Monetary Order for damage or loss under the Act, regulations or tenancy agreement; for Orders for emergency repairs; and, authorization to reduce rent for repairs or services not provided. Both parties appeared at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary matter

In making this application the tenant identified the emergency repairs as: non-working heating system and heating system ducts filled with mouse feces; and, a non-working stove. After filing the application, the tenant provided the Residential Tenancy Branch with an electrical inspection report that took place after the application was made. The tenant did not amend her application to include a request for electrical repairs; however, the tenant was of the belief the electrical issues would be dealt with during this hearing. Since the tenant acknowledged that she had not served the electrical inspection report upon the landlord and the landlord claimed that he had not received the electrical inspection report, I did not amend the application. Rather, the tenant was informed of her right to make another application for emergency repairs with respect to the electrical system.

Procedural note

At the commencement of the hearing the parties were informed of appropriate conduct required of them during the hearing. The parties were informed that interrupting me or the other party would not be tolerated and that parties are expected to provide a response to questions I ask of them.

I also advised the parties that the issues would be dealt with in the order of importance. Accordingly, the tenant's requests for emergency repairs were to be heard first followed by her monetary claims and request for rent reduction.

The tenant had to be cautioned several times that her answers to questions posed to her were unresponsive and that she was interrupting me and the other party. After approximately one hour of hearing time I determined that, due to the tenant's conduct, I could not continue to hear her application. I dismissed the tenant's monetary claims and request for rent reduction and ended the teleconference call with a verbal order to the landlord for repairs. This decision reflects the verbal Orders I made during the hearing.

Issue(s) to be Decided

Is it necessary to issue emergency repair orders or any other orders to the landlord?

Background and Evidence

The tenancy commenced January 15, 2009 and the tenant is required to pay rent of \$1,040.00 on the 1st day of every month pursuant to a written tenancy agreement.

The tenant had applied for emergency repair orders for the non-working stove and heating system. The tenant advised during the hearing that her boyfriend has been able to get the stove working and I determined that a repair order for the stove is no longer required.

With respect to the heating system, the tenant claimed that the heating ducts were disconnected in the crawl space and that mice had infested the ducts. The tenant stated that she had put poison in the crawl space in an effort to eradicate the mice. The tenant complained to the landlord about the disconnected ducts and the landlord sent a repair man over to inspect the ducts. The tenant alleged that the repair man did not reconnect the ducts. The tenant was also of the position that the ducts should be cleaned since the ducts were contaminated with mice feces and possibly poison.

The landlord was agreeable to sending a furnace technician over to the rental unit to inspect the furnace and ducts on the same afternoon as the teleconference call. The tenant consented to the landlord gaining access to the rental unit for this purpose.

Analysis

Upon consideration of the evidence before me and in recognition of the landlord's agreement, I verbally ORDERED the landlord to have the furnace and heating ducts inspected November 8, 2011 and to immediately make any repairs determined

necessary so as to provide sufficient heat in the rental unit. For further information for the parties, the landlord must ensure that the heating system is operational and that it is operating in a manner that complies with health, safety and building standards required by law.

During the hearing I also verbally AUTHORIZED and ORDERED the landlord to enter the rental unit November 8, 2011 in order to inspect the heating system and ducts and make any repairs to the heating system. This authorization for entry was applicable for November 8, 2011 only and any future entries must be done in a manner that complies with section 29 of the Act.

If the tenant continues to experience problems with the heating system despite the orders contained in this decision, the tenant is at liberty to file another Application for Dispute Resolution to seek further remedy.

Conclusion

The tenant's monetary claims and request for a rent reduction have been dismissed.

The landlord has been ordered to inspect and repair, as necessary, the heating system and ducts immediately. The landlord was given my verbal authorization to enter the rental unit November 8, 2011 for purposes of inspecting and repair the heating system.

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 10, 2011.

Residential Tenancy Branch