



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ERP RP, OLC, PSF, RPP

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act*, for an order seeking landlord's action to comply with the *Act*, conduct emergency repairs, provide services, and return tenant's property. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Was the landlord negligent in his responsibilities with regard to repairs and maintenance of the rental property? Does the landlord have the tenant's property in his possession?

Background and Evidence

The tenancy started in January 2010. The monthly rent is \$583.00. The rental unit is an apartment located in a complex that houses 10 rental units. The unit has two bedrooms plus a den.

The tenant testified that on November 05, she noticed a leak in her bedroom. She notified the landlord on November 14, 2011. The landlord contacted a professional restoration company and the restoration work started immediately. The wet drywall was removed and the area was allowed to air dry for two weeks. The tenant lost the use of this bedroom while the work was ongoing. The tenant also stated that she had to dispose of her bed as it was wet and mouldy. The landlord gave her a replacement but she stated that it was not adequate for her needs.

The tenant stated that she wanted to be compensated in the amount of one month's rent. However, the tenant did not apply for compensation. The tenant also agreed that the landlord did not have any of her belongings in his possession.

The landlord testified that the restoration work is complete except for the carpet which will be done in the first week of January. The landlord also pointed out that the tenant was the only tenant named on the tenancy agreement but that she had her family members living with her in the rental unit.

During the hearing, when I informed the tenant that she had not applied for a monetary order, she replied that she would be reapplying for compensation and exited the conference call hearing.

Analysis

Based on the sworn testimony of both parties, I find that the landlord acted responsibly and responded to the tenant's complaint in a timely manner. The restoration work will be completed in the first week of January 2012.

The tenant removed herself from the conference call by hanging up the phone prior to proving that the landlord failed to meet his obligations under the *Act*, with regard to providing services and facilities that are essential to the tenant's use of the rental unit as living accommodation.

Conclusion

The tenant's application is dismissed in its entirety.

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: December 30, 2011.

Residential Tenancy Branch