



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, ERP, FF, RP, RR

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application to dispute an additional rent increase, a request for an order for emergency repairs, and a request for an order to reduce the rent for repairs and services or facilities agreed upon but not provided. The applicant is also requesting recovery of the filing fee.

Background and Evidence

At the beginning of the hearing both the applicant and the respondent agreed that this is subsidized housing and therefore is exempt from portions of the Residential Tenancy Act as follows:

Rental units operated by the following are exempt from the requirements of sections 34 (2), 41, 42 and 43 of the Act [*assignment and subletting, rent increases*] if the rent of the units is related to the tenant's income:

- (a) the British Columbia Housing Management Commission;
- (b) the Canada Mortgage and Housing Corporation;
- (c) the City of Vancouver;
- (d) the City of Vancouver Public Housing Corporation;

- (e) Metro Vancouver Housing Corporation;
- (f) the Capital Region Housing Corporation;
- (g) any housing society or non-profit municipal housing corporation that has an agreement regarding the operation of residential property with the following:
 - (i) the government of British Columbia;
 - (ii) the British Columbia Housing Management Commission;
 - (iii) the Canada Mortgage and Housing Corporation.

[am. B.C. Reg. 249/2008.]

Therefore the Residential Tenancy Act has no jurisdiction over the amount of rent paid at this rental unit.

I therefore will only be dealing with the request for repairs, and the request to allow the tenant to reduced rent for repairs that have not been done.

The applicant testified that:

- In January of 2009 and he sent the landlords a request to do some repairs, and to date those repairs have not been done.
- He is therefore requesting a rent reduction and an order for the repairs to be done.

The respondents testified that:

- They do not have a copy of the letter that the tenant claims to have sent in January of 2009, and they do not have any information from the tenant with regards to the need for repairs.
- After receiving the application for dispute resolution they went to the tenant's rental unit to see if they can get information about the needed repairs and to inspect the unit, however at that time the tenant refused access and in fact said that there were no repairs needed at this time.
- They do not see how they can do repairs to unit when they are not even aware of any need for repairs.

Analysis

As stated above I have no jurisdiction over the rent increase, and if the tenant wishes to dispute the amounts you will have to look to some other jurisdiction to resolve the matter.

With regards to the request for a repair order and a reduction in rent due to repairs that have not been done, it is my finding that the applicant has supplied insufficient evidence to show that the rental unit is in need of any repairs. The tenant has supplied no evidence with this application, other than his written statement.

Further, I am not convinced that the tenant has given the landlords any notification that repairs were needed and therefore I am not willing to issue any repair orders at this time nor am I willing to reduced the rent.

Conclusion

I declined jurisdiction over the amount or rent to be paid at this rental unit.

I dismissed the application for repairs, for a rent reduction, and for recovery of the filing fee.

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 07, 2011.

Residential Tenancy Branch