



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC, ERP, RP

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to have the landlord comply with the Act, to have the landlord make emergency repairs for health or safety reasons and make repairs to the site.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

### Issue(s) to be Decided

Has the landlord failed to comply with the Act?

Should the landlord be ordered to make emergency repairs for health and safety reasons?

Should the landlord be ordered to make repairs to the site?

### Background and Evidence

The tenancy began on April 1, 2003. Current marked rent is \$620.00. The tenant pays \$320.00 per month and the balancing owing is paid via a month subsidy provided by BC housing. A security deposit of \$271.50 was paid by the tenant.

### Cleaning concerns

The tenant testified on April 13, 2012, she sent a request for cleaning and received no response from the landlord to comply with her request for cleaning.

The tenant testified she sent another letter on May 25, 2012. The tenant stated the landlord has responded to the cleaning request but believes they are below the old building standards.

The landlord's agent testified that after they received the tenant's letter of May 25, 2012, they attended the building to perform an inspection. The landlord's agent stated they were for the most part pleased with what they inspected, but there were also some

areas of improvement that they address. The landlord stated they have a cleaning crew attend at the building three days per week.

#### Emergency repairs/ Make repairs to site

The tenant testified that there are pin holes in the water pipes, which causes water to drip from the pipes. The tenant stated the landlord has buckets to capture the water in the hallway.

The landlord's agent testified they are aware of the plumbing issues and are taken reasonable steps to have the plumbing repaired. The landlord stated that the plumbing is 35 years old and they are not sure if the plumbing system can be repaired, as it may need to be replaced. The landlords agent stated before the mechanical engineers will come and complete a comprehensive inspection and make recommendation on the plumbing system, a report must be completed by the hazardous material specialist to ensure there are no hazardous materials in the subject areas. The landlord stated the hazardous material specialist were arranged to come to the building in June 2012, however, they were unable to attend and are scheduled to come to the building during the month of July 2012.

#### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

#### Cleaning issues

In this case, the landlord has inspected the common areas and made recommendation for further cleaning. The landlord has a cleaning crew attend to the building three days per week to perform cleaning task. I find the tenant has proved insufficient evidence that would prove the landlord has failed to meet "health, safety and housing standards" established by law, and that the premises are unsuitable for occupation given the nature and location of the property. Therefore, I find the tenant has failed to prove the landlord has breached the Act.

#### Emergency repairs/ Make repairs to site

In this case, the landlord is taken reasonable steps to have the plumbing issued address. The landlord is relying on the experts to ensure the subject area is safe before the mechanical engineers can being to conduction their investigation and complete their report on the plumbing system. Therefore, I decline to make an order to have the

landlord make emergency repairs or make repairs to the site as the landlord is taking reasonable steps to have the work completed.

As a result, the tenant's application in its entirety is dismissed.

Conclusion

The tenant's application is dismissed.

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: July 09, 2012.

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Residential Tenancy Branch