



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding H + M Rempel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, ERP, RP

Introduction

This is an application filed by the Tenant for an order cancelling a notice to end tenancy issued for cause, an order for the Landlord to make emergency repairs for health or safety concerns and an order for repairs to the unit.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing and evidence packages submitted, I am satisfied that both parties have been properly served.

It was clarified by the Landlord's Agent, L.L. that she represents a property management company that has taken over as the Landlord's Agent 1 week prior to the hearing date.

Issue(s) to be Decided

Is the Tenant entitled to an order cancelling the notice to end tenancy issued for cause?
Is the Tenant entitled to an order for emergency repairs?
Is the Tenant entitled to an order for repairs?

Background, Evidence and Analysis

Both parties agreed that this Tenancy began on September 1, 2012 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$550.00 payable on the 1st of each month and a security deposit of \$275.00 was paid on August 14, 2012.

Both parties agreed that the Tenant was served with a 1 month notice to end tenancy issued for cause dated January 29, 2013 on January 27, 2013 by posting it to the rental unit door. The notice displays an effective date of February 28, 2013. The stated reason for cause is:

-Tenant or a person permitted on the property by the Tenant has put the Landlord's property at significant risk. BedBugs.

The Tenant disputes the notice. The Landlord states that only information she can provide is that the notice was issued by the previous property manager based upon an invoice dated February 15, 2013 that the Tenant did not comply with the Pest Control Instructions for Preparation so that the Technician (Orkin) could treat the unit. The Tenant has disputed this and stated that the invoice is for after the issuance of the 1 month notice to end tenancy issued for cause. The Landlord states that they cannot provide anymore details.

I accept the undisputed testimony of both parties. I find that the Landlord based upon her direct testimony is unable to substantiate the reasons for cause as issued for the notice dated January 29, 2013. The Landlord has only provided details of reasons for cause for after the issuance of the notice. The 1 month notice to end tenancy issued for cause dated January 29, 2013 is set aside and the Tenancy shall continue. This portion of the Tenant's Application is granted.

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

Both parties agreed that the Landlord would have a licensed technician inspect and if necessary repairs the following issues listed.

- Electric Plug-in, Front room-right side.

- (Top Plug In shoots sparks and has only been used once)

- Electric Light Switch, Bathroom

- (Only goes to half, was not fixed)

- Hot Water Heater, Built-in to Apartment

- (No heat in bedroom)

- Front Door

- (Damaged-cracks in door and doorknob)

- Bathtub

- (badly stained)

The above particulars comprise full and final settlement of all aspects of the dispute arising from this application for both parties.

Conclusion

The Tenant's Application to cancel the notice to end tenancy dated January 29, 2013 is granted.

Both parties agreed to have the Landlord have a licensed technician inspect and repair if necessary the Tenant's List of repair concerns.

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: March 01, 2013

Residential Tenancy Branch

