



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Century 21 Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP RP FF

Introduction

This hearing dealt with an application by the tenant for orders for repairs and emergency repairs. The tenant and the agent for the landlord participated in the teleconference hearing.

At the outset of the hearing the tenant stated that the necessary repairs and emergency repairs had been completed. The only remaining issue was whether the tenant was entitled to recovery of the \$50 filing fee for the cost of her application.

Issue(s) to be Decided

Is the tenant entitled to recovery of the filing fee for the cost of her application?

Background and Evidence

The tenant stated that she felt the landlord would not have made the necessary repairs and emergency repairs if the tenant had not filed her application for dispute resolution. The tenant served the landlord with a "Final Written Notice" for repairs on January 21, 2013. A second contractor, not the same contractor who attended earlier in the month, came to the rental unit about five days later to "take a look" at the roof. The tenant stated that she tried repeatedly to call the landlord but the landlord did not keep the tenant informed about the repairs. The tenant filed her application for dispute resolution on January 30, 2013.

The landlord stated that at the time that the tenant filed her application, the landlord was already in the process of getting the repairs done. The landlord's agent stated that the roofers started doing the work on January 29, 2013. The landlord's agent acknowledged that she was out of the office until January 31, 2013.

Analysis

I find that the tenant is entitled to recovery of the filing fee for the cost of her application. It appears from the evidence that the landlord did not keep the tenant sufficiently informed of the progress on the repairs, and the tenant therefore believed it necessary to file her application for orders for repairs and emergency repairs.

Conclusion

I grant the tenant an order under section 67 for the balance due of \$50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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 4, 2013

Residential Tenancy Branch

