



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

CORRECTION REQUEST

Dispute codes: MNR OPR MNSD AAT CNR FF LAT MNDC MT O OPT

The tenant requests the Arbitrator to correct and deal with an inadvertent omission in the Decision and Reasons to include in the Order to the landlord the requirement that he repair the furnace and thermostat wiring which has reportedly been a problem since 2012.

LEGISLATION AND POLICY

Section 78 of the *Residential Tenancy Act* deals with correction or clarification of decisions or orders, it states:

78(1) Subject to subsection (2), the director may, with or without a hearing,

78(1) (c) deal with an obvious error or inadvertent omission in the decision or order.

78(2) A request referred to in subsection (1.1) (b) may be made without notice to another party, but the director may order that another party be given notice.

The Legislation allows an arbitrator to correct an obvious error or inadvertent omission. This provision allows an arbitrator to reopen an order or decision to provide relief that might otherwise only be available to a party under the *Judicial Review Procedure Act*.

An "inadvertent omission" is a matter which the arbitrator would have addressed in the decision but failed to address because of an oversight. If the arbitrator has failed to dispose of a matter that was part of the application, and the matter is one that the arbitrator is permitted to deal with under the Act, the arbitrator may amend the order or decision to properly deal with the omission.

FINDINGS

In examining my decision dated May 16, 2013, I find that sworn evidence concerning lack of repair of the furnace and thermostat was provided in the hearing by the tenant and his witness, another tenant in the same property. However, when I made the

orders to repair, I inadvertently omitted the repair of the furnace and thermostat. The Decision and Reasons are corrected to include this inadvertent omission. No further monetary order is imposed but the tenant is at liberty to reapply for a rent rebate if the thermostat and furnace wiring is not repaired by October 15, 2013.

A corrected and amended Decision and Reasons is attached.

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: June 3, 2013

Residential Tenancy Branch



Residential Tenancy Branch

RTB-136

Now that you have your decision...

All decisions are binding and both landlord and tenant are required to comply.

The RTB website (www.rto.gov.bc.ca) has information about:

- How and when to enforce an order of possession:
Fact Sheet RTB-103: *Landlord: Enforcing an Order of Possession*
- How and when to enforce a monetary order:
Fact Sheet RTB-108: *Enforcing a Monetary Order*
- How and when to have a decision or order corrected:
Fact Sheet RTB-111: *Correction of a Decision or Order*
- How and when to have a decision or order clarified:
Fact Sheet RTB-141: *Clarification of a Decision or Order*
- How and when to apply for the review of a decision:
Fact Sheet RTB-100: *Review Consideration of a Decision or Order*
(Please Note: Legislated deadlines apply)

To personally speak with Residential Tenancy Branch (RTB) staff or listen to our 24 Hour Recorded Information Line, please call:

- Toll-free: 1-800-665-8779
- Lower Mainland: 604-660-1020
- Victoria: 250-387-1602

Contact any Service BC Centre or visit the RTB office nearest you. For current information on locations and office hours, visit the RTB web site at www.rto.gov.bc.ca