



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, RP, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants for an order that the landlords comply with the Act, regulation or tenancy agreement; for an order that the landlords make repairs to the unit, site or property; and to recover the filing fee from the landlords for the cost of the application.

Both landlords and both tenants attended the hearing.

During the course of the hearing, the parties agreed to settle the majority of this dispute on the following conditions:

1. The landlord will retain the services of a certified electrician to have repairs completed by July 31, 2013;
2. The electrical bills for the complex will be re-negotiated among all tenants with the landlords before the end of July, 2013;

The parties did not come to an agreement with respect to the \$50.00 filing fee for the cost of this application and were advised that I would consider that remaining issue based on the submissions made by the parties and the evidentiary material provided by the parties.

Issue(s) to be Decided

Are the tenants entitled to recovery of the \$50.00 filing fee for the cost of the application?

Background and Evidence

The tenant stated that the issue of electrical problems was conveyed to the landlords in October, 2012. The landlord has provided copies of electrician invoices that show that an electrician was retained by the landlords in November, 2012 and December, 2012.

The evidentiary material also shows that the breaker switches have continued to turn off. The landlords stated that one of the landlords conducted a test in April, 2013 by attending at the rental unit and deliberately over-loading the circuit, and the landlord advised the tenants to not over-load the breaker and the issue would stop.

The parties continued to text and email each other, and a number of messages were provided for this hearing, most of which deal with other matters, and not the issue of electrical problems. The tenants have provided a copy of a letter sent to the landlords with respect to those problems, but the letter is not dated, and neither party has been able to provide me with the dates that requests were made or the results of those requests other than the electrical work already completed and the test conducted by the landlord.

The landlords have retained the services of an electrician who will attend at the rental unit on July 3, 2013 who will be adding circuits to the breaker box which will prevent the breakers from popping to the off position.

Analysis

In the absence of any evidence that the tenants requested repairs to the electrical system prior to filing the application for dispute resolution, I cannot be satisfied that the tenants are entitled to recovery of the filing fee. If a landlord ignores requests for repairs and the tenant has to apply for dispute resolution to resolve such issues, the tenant would be entitled to recovery of the filing fee. In this case, I find that the majority of the requests made by the tenants did not relate to electrical repairs, and I find that the landlords retained an electrician on 3 occasions. In the circumstances, I find that the tenants have failed to establish that the landlords ought to bear the cost of the filing fee.

I hereby order the parties to comply with the settlement agreement as set out above, and the tenants' application for recovery of the \$50.00 filing fee for the cost of this application is hereby dismissed without leave to reapply.

Conclusion

For the reasons set out above, I order the landlord to retain the services of an electrician and have the electrical repairs completed by July 31, 2013.

I further order the parties to discuss the issue of the utility bills with the tenants and other tenants in the complex.

The tenants' application for recovery of the \$50.00 filing fee for the cost of this application is hereby dismissed without leave to reapply.

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 24, 2013

Residential Tenancy Branch

