



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Greater Victoria Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP, ERP and OLC

Introduction

This application was made by the tenant seeking orders for repairs, emergency repairs and landlord compliance with the legislation and/or rental agreement.

Issue(s) to be Decided

Has the tenant submitted sufficient evidence to warrant the orders requested.

Background and Evidence

This tenancy began on August 15, 2009.

During the hearing, the tenant gave evidence the matters in dispute arose from three or four water intrusions into his rental unit resulting in damage to the ceilings, walls and floors in the rental unit.

Matters appear to have been exacerbated when his request to relocate to another unit that had come available had been declined.

The landlord stated that he had not been able to prepare a full response to the tenant's application as he had received the only evidence submitted by the tenant, a video recording of the rental until too late. In addition, the same video recording was submitted late to the branch.

The landlord stated, also, that office records made no reference to a number of grievances presented by the tenant during the hearing.

While the tenant had been able to describe some events, such as a water leak from the bathroom above which he confirmed when he observed two workers removing a toilet from the building, he stated that he had submitted most of his requests and reports verbally to care staff.

The landlord said that some repairs in the building had been put on hold as a new roof is scheduled for spring, 2014, and a limited budget mitigated in favour of postponing interior repairs that might need to be repeated.

He said that as the building was steel and concrete, delay was unlikely to contribute the repairs becoming more costly.

He stated that on his last attendance in the rental unit in the previous month had indicated that the unit was sound and dry although he did acknowledge the need for some cosmetic repairs.

The landlord stated that he had never been advised that the tenant's son was autistic and that could become a factor to be considered if another rental unit were to come available in future if the tenant provided verification.

The landlord stated that he would inspect the rental unit again shortly to see if there were some repairs that might be made.

Analysis

I find that I have insufficient evidence to warrant the issuance of the orders requested; however, I dismiss the application with leave to reapply with a reminder of the need for additional evidence.

In addition, if the tenant should have need of further repairs, it would be most helpful if he could provide a written request to the landlord at the time and if he could take a conciliatory approach in requesting a remedy.

Conclusion

The application is dismissed with 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: August 12, 2013

Residential Tenancy Branch

