



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FF

Introduction

This is an application filed by the Tenant for an order for emergency repairs for health of safety concerns and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. Both parties have confirmed receipt of the notice of hearing package and the amended application for dispute resolution. As such, I am satisfied that both parties have been properly served.

The amended application filed by the Tenant includes a monetary claim for money owed or compensation for damage or loss for \$850.00. The Tenant clarified that this was for the cost of her moving charges incurred when she eventually move out based upon the \$896.00 cost of moving in. This portion of the claim was clarified with both parties as being premature as the Tenant still resides in the rental unit and has not yet incurred this cost. As such, this portion of the claim is dismissed with leave to reapply.

Issue(s) to be Decided

Is the Tenant entitled to an order for emergency repairs?

Background and Evidence

Both parties have confirmed in their direct testimony that the Tenant complained of an unusual odor from the rental unit and that the Landlord had a plumber from Milani Plumbing attend and confirm. The Tenant states that the Landlord refused to allow the plumber to continue investigating the cause so that it could be fixed. The Landlord through the use of her son, S.H.P. stated that she was worried that allowing the plumber to attend to further investigate would result in finding more problems. The Landlord's

son, S.H.P. stated that the Landlord has conceded that there was an issue and would now have a plumber to investigate and assess the issue.

Analysis

As the Landlord has conceded that there was an issue with an odour from the rental unit, I am satisfied that the Tenant has established her claim. The Landlord is ordered to have a licensed plumber attend within two weeks of this hearing to assess and report their findings to the Landlord and provide a copy of the report to the Tenant. If the investigation results in a problem found, the Landlord is take immediately steps to fix the problem.

The Tenant having been successful in entitled to recovery of the \$50.00 filing fee. I order that the Tenant withhold \$50.00 one-time from the November 2013 monthly rent for recovery of the filing fee.

Conclusion

The Tenant's application for an order for emergency repairs is granted.
The Tenant's application for a monetary order is dismissed with leave to reapply.
The Tenant may withhold \$50.00 one-time from the November 2013 monthly rent for recovery of the filing fee.

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: October 30, 2013

Residential Tenancy Branch

