



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, ERP, RP, FF

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

1. An Order compelling the Landlord to comply with the Act - Section 62;
2. An Order that the Landlord make emergency and other repairs – Section 32;
and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

At the onset of the Hearing, the Tenant stated that the Landlord has been given notice and that the tenancy is ending at the end of October 2013. The Tenant states that the gas leak, a subject matter of the Tenant's application, has been inspected by a third party and that the leak has been contained inside the house at the expense of the Tenants but that repairs are still required to both the gas fittings and the leak on the roof. The Tenant states that as the tenancy is ending, the Tenant is no longer seeking an order for repairs but asks for recovery of the filing fee. The Landlord states that the Landlord has made an application as well and a hearing has been set for October 31, 2013. The Landlord asks that the Tenants' application be adjourned to this date.

As the Tenant has withdrawn the claims for repair orders, I find that these matters have been concluded and no adjournment is necessary. As the Tenant's application has substance, I find that the Tenant is entitled to recovery of the **\$50.00** filing fee. I also

note that the Tenant remains at liberty to make an application seeking compensation in relation to the gas leak, other leaks, emergency repairs made by the Tenant and any other damages that the Tenant may be entitled to claim in relation to the tenancy.

I grant the Tenant an order under Section 67 of the Act for **\$50.00**. If necessary, 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: October 01, 2013

Residential Tenancy Branch