



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP O

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking an order to have the landlord complete emergency repairs.

The hearing was conducted via teleconference and was attended by the tenant only.

The tenant testified the landlord was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on October 29, 2014 in accordance with Section 89 and that this service was witnessed by a third party.

Based on the testimony of the tenant, I find that the landlord has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to an order to have the landlord complete emergency repairs, pursuant to Section 33 of the *Act*.

Background and Evidence

The tenant submits the tenancy began in June 2012 as a month to month tenancy for the monthly rent of \$600.00 due on the 1st of each month with a security deposit of \$300.00 paid. The tenant states she is also responsible for utilities.

The tenant has submitted photographic and video evidence showing the presence of mould and mushrooms growing in the carpet of the rental unit. The tenant submits that the unit appears to be building using the foundations for an external deck for the upstairs portion of the property.

She states that the walls have started falling away from the structure and that she has had a friend fill the resulting holes and gaps with foam insulation. The tenant also submits that she has medical problems that are exacerbated by these conditions and she has not been able to live in the rental unit for the past three months.

The tenant submits that she has been trying to get the landlord to deal with these issues for over a year but that he continually either ignores her requests or tells her that she does not know what she is talking about.

Analysis

Section 32(1) of the *Act* requires a landlord to provide and maintain residential property in a state of decoration and repair that complies with the health, safety and housing standards required by law, and having regard for the age, character and location of the rental unit make it suitable for occupation by a tenant.

Based on the tenant's undisputed testimony and evidence I find that landlord has failed to provide the tenant with a rental unit that is suitable for occupation. I order that the landlord contact the local municipal housing authorities immediately to have the rental unit inspected and to obtain an order confirming whether the local authority finds the unit suitable for occupation.

In addition, should the landlord obtain an occupancy order from the local authorities I order that all mould must be removed and all impacted building materials, such as drywall; carpeting; baseboards; and insulation, be replaced.

Pursuant to Section 62(3) of the *Act* that allows the director, through authority delegated to me, to make any order necessary to give effect to the rights, obligations and prohibitions under this *Act*. This section includes the ability to order the landlord to reduce the rent until such time as any repairs or emergency repairs may be completed.

Conclusion

Based on the above, I order that until such time that the landlord obtains a current occupancy order from local authorities and based on an Application for Dispute Resolution has an Arbitrator confirm that the order allows the unit to be suitable for occupation by a tenant I order the tenant is not required to pay the landlord any rent beginning on December 1, 2014.

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: November 20, 2014

Residential Tenancy Branch

