



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, RP, FF

The tenant applies for an emergency repair order and a repair order.

The tenant has submitted evidence to indicate that there is a significant mould problem in this three bedroom house. She notified the landlord in November 2014 at a time when the problem was minor. Rightly or wrongly, the landlord concluded it was a tenant-generated problem. Since then the obvious mould growth has accelerated significantly however the tenant did not notify the landlord until serving him with this application in late January 2015. She has not provided evidence to show the cause of the mould or its likely effect on occupants of the home.

The application is premature and I dismiss it with leave to re-apply. The landlord has now been officially notified of the extent of the mould problem and is obliged to investigate and take steps necessary to ensure his compliance with the obligation imposed on him by s. 32 of the *Residential Tenancy Act*, to provide and maintain residential property in a state of decoration and repair that, (a) complies with the health, safety and housing standards required by law, and (b) having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

I decline to award the tenant recovery of her filing fee on this application, however, should she re-apply regarding this problem, I reserve to that arbitrator the option to award it to her then, if deemed appropriate.

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: February 18, 2015

Residential Tenancy Branch

