



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Housing
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

ERP, RP, and O

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for an Order requiring the Landlord to make repairs/emergency repairs to the rental unit and for "other".

The Tenant stated that on March 05, 2015 the Application for Dispute Resolution, the Notice of Hearing, and documents the Tenant wishes to rely upon as evidence were delivered to the Landlord's business office. The Landlord acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

On March 18, 2015 the Landlord submitted numerous documents to the Residential Tenancy Branch, which the Landlord wishes to rely upon as evidence. The Agent for the Landlord stated that these documents were served to the Tenant by registered mail on March 18, 2015 and were posted on the door of the rental unit on March 19, 2015. The Tenant acknowledged receipt of these documents and they were accepted as evidence for these proceedings.

Both parties were given the opportunity to present relevant evidence, to ask relevant questions, and to make relevant submissions.

Issue(s) to be Decided

Is there a need to issue an Order requiring the Landlord to install a microwave and exhaust fan unit over the stove in the rental unit?

Background and Evidence

The Landlord and the Tenant agree that this tenancy began on August 01, 2014.

The Tenant is seeking an Order requiring the Landlord to install a combination microwave and exhaust fan unit over the stove. The Tenant acknowledged that there is

a fan above the stove but he contends that it is not ventilated to the exterior of the rental unit and it does not adequately remove smoke from the rental unit.

The Tenant stated that when they cook there is an excessive amount of smoke in the rental unit, which requires them to open the windows to provide adequate ventilation. The Tenant stated that when they cook they have to deactivate the smoke alarm or it will be triggered from smoke from cooking.

The Tenant contends that opening the windows during the cold months is detrimental to the health of the Tenant's children, because the stand in front of the window. The Tenant submitted letter from a medical practitioner that the Tenant has reported these concerns to the practitioner, who concluded that the Tenant would benefit from a microwave/exhaust fan.

The Agent for the Landlord stated that the rental unit is equipped with a fully functional range hood which is not vented to the exterior of the residential complex. She stated that the fan was inspected on March 16, 2015 and it was functioning properly.

The Agent for the Landlord stated that a microwave is not included with the tenancy agreement and the Landlord does not wish to provide the Tenant with a microwave. She stated that there is insufficient clearance to install a microwave/exhaust fan unit without costly renovations.

The Agent for the Landlord stated that she has spoken with the doctor who wrote a letter on behalf of the Tenant, who stated that when he wrote the letter he was unaware that the unit was equipped with a fan over the stove.

The Tenant stated that he spoke with someone at "city hall", who informed him that a microwave/fan combination would adequately vent the rental unit. He stated that he is unaware of any building codes or other legislation that requires a landlord to provide a microwave/exhaust fan unit.

The Agent for the Landlord stated that she believes the fan in the rental unit complies with building standards.

Analysis

Section 32(1) of the *Residential Tenancy Act (Act)* requires landlords 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 to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

I find that the Tenant has submitted insufficient evidence to establish that health, safety and housing standards require a landlord to provide a microwave/exhaust fan unit in the kitchen.

On the basis of the undisputed evidence, I find that the rental unit is already equipped with a range hood fan designed to exhaust cooking odours/fumes from the rental unit. Although the Tenant contends that this range hood does not adequately ventilate the kitchen, the Tenant submitted no independent evidence to corroborate his claim that it is not functioning properly.

I find that the Tenant has failed to establish that the ventilation system makes the rental unit unsuitable for occupation. Although I accept that smoke accumulates in the rental unit when the Tenant is cooking, I find that this issue can be easily resolved by cooking at lower temperatures or by opening a window or door a small amount.

Although the Tenant contends that opening a window impacts the health of his children because they stand in front of it, I find this concern can be easily resolved by not permitting the children to do so.

Conclusion

As the Tenant has failed to establish that the exhaust system in the rental unit does not comply with section 32(1) of the *Act*, I dismiss the Tenant's application for an Order requiring the Landlord to make repairs.

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: April 02, 2015

Residential Tenancy Branch

