



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

matter regarding PARSUM HOLDING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: ERP, RR, FF

Introduction

This hearing dealt with an application by the tenant, pursuant to the *Residential Tenancy Act*, for an order to have emergency repairs done and for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The landlord acknowledged receipt of evidence submitted by the tenant. Both parties gave affirmed testimony.

Issues to be decided

Has the landlord fulfilled his responsibilities as a landlord with regard to maintenance and repairs? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started in April 2011. The rental unit is located in an apartment building. The tenant's main complaint was that fumes from the laundry machines were coming into the rental unit and that a tenant in the unit below was burning incense or some other aromatic compound which also emitted fumes that flowed into his rental unit. The tenant stated that he suffers from asthma and is troubled by these fumes. The tenant filed a doctor's note into evidence to support his testimony.

The tenant stated that he made several requests to the resident manager but she did not take any steps to rectify the situation. The tenant made application for dispute resolution on August 12, 2016 for an order directing the landlord to act on his complaints.

The landlord agreed that the tenant had made verbal complaints to the resident manager and that she had followed up on them. He stated that the resident manager visited the rental unit to investigate but was unable to detect the odours that the tenant was complaining about.

On August 30, 2016, the landlord sent every tenant a letter informing them to refrain from burning incense or other aromatic compounds. On September 05, 2016, the landlord took action to install dampers inside the laundry machine vents and divert the flow of the exhaust from the laundry machines. The pipes carried the exhaust to a distance of approximately three apartments away from the tenant's apartment. The tenant agreed that the problem was somewhat resolved.

Analysis

Based on the testimony of both parties, I find that the tenant made several complaints regarding the fumes entering his rental unit from two sources. The landlord took steps to resolve the problem but only after the tenant made this application for an order directing the landlord to do so.

I further find that since the landlord has taken action, the tenant does not require an order directing the landlord to do so. However I also find that the landlord did not take action until the tenant made this application and therefore I find that the tenant is entitled to the recovery of the filing fee.

Conclusion

The tenant may make a onetime deduction of \$100.00 from a future rent to recover 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 05, 2016

Residential Tenancy Branch