



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP

Introduction

On January 3, 2018, the Tenant applied for dispute resolution seeking an order that the Landlord make repairs to the rental unit.

The matter was scheduled for a teleconference hearing. The Tenant appeared at the hearing; however, the Landlord did not. The Tenant was assisted by an advocate.

The Tenant and her advocate testified that she sent the Notice of Hearing and documentary evidence to the Landlord using registered mail on January 23, 2018. The Tenant testified that she spoke with the Landlord and confirmed that he had received the Notice of Hearing.

The Tenant was provided with an opportunity to ask questions about the hearing process and was provided with the opportunity to present affirmed oral testimony and to make submissions during the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Is the Tenant entitled to an order for the Landlord to make repairs and/or emergency repairs to the unit?

Background and Evidence

The Tenant testified that the tenancy began on October 1, 2017. Rent in the amount of \$900.00 is due on the first day of each month. A security deposit of \$450.00 was paid by the Tenant to the Landlord.

The Tenant testified that there were a number of items in the rental unit that needed repair and that she asked the Landlord to repair them. When the Landlord failed to repair them she applied for dispute resolution. The Tenant testified that the Landlord attended the rental unit on January 22, 2018, and repaired the majority of items that she had concerns with.

The Tenant is still seeking an order for the Landlord to repair a kitchen cutlery drawer. The Tenant testified that at the start of the tenancy the Landlord stated that he would repair or replace the missing cutlery drawer in the kitchen. The Tenant testified that she keeps her utensils sitting on the counter because the drawer is missing.

The Tenant testified that she asked the Landlord to repair the drawer but it has not been done. She submitted that the Landlord has failed to repair or replace the drawer and she requests an order that the Landlord make the repair.

Analysis

Section 32 of the Act states that a landlord must 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.*

Based on the above, the testimony of the Tennant, and on a balance of probabilities, I find as follows:

The Landlord was served with the Notice of Hearing and failed to attend the hearing.

I accept the Tenant's un-opposed testimony that the Landlord agreed to fix or replace the drawer at the start of the tenancy and he has failed to make the repair.

I order the Landlord to repair or replace the kitchen drawer. I order the Landlord to complete the repairs or replacement of the drawer by February 28, 2018.

Conclusion

The Tenant's application was successful. I order the Landlord to complete the kitchen drawer repair as described above no later than February 28, 2018.

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: January 29, 2018

Residential Tenancy Branch