



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP

### Introduction

This hearing dealt with the tenants' application pursuant to section 33 of the *Residential Tenancy Act* (the *Act*) for the issuance of an order requiring the landlord to undertake emergency repairs to this rental property.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

Tenant CY (the tenant) testified that the tenants handed the landlord's agent ISG (the landlord) the dispute resolution hearing package shortly after January 1, 2018. Although the landlord said that this did not happen until later in January, the landlord confirmed that the dispute resolution hearing package was served to the landlord by the tenants. I find that the landlord has been duly served with the tenants' dispute resolution hearing package in accordance with section 89 of the *Act*.

Near the beginning of this hearing, both parties confirmed that this tenancy has ended as the tenants have vacated the rental unit. The parties eventually agreed that this happened at the end of January 2018.

As the tenancy has ended, the tenant withdrew the application to obtain emergency repairs to the rental unit. The tenant also said that they were seeking monetary compensation from the landlord for the loss in value of their tenancy as a result of the landlord's failure to resolve a rodent infestation in the rental unit when the tenants lived in the rental unit. Since no claim for monetary compensation was included in the tenants' original application and no amended application was submitted by the tenants prior to this hearing, I advised that I could not consider this request for monetary

compensation. The tenants will have to file a new application for dispute resolution if they intend to pursue monetary compensation from the landlord.

### Conclusion

The tenants' application for dispute resolution seeking emergency repairs is withdrawn.

No application for a monetary award for compensation was properly before me. As such, I cannot consider the tenant's oral request for compensation as part of the tenants' original application. The tenants are at liberty to apply for dispute resolution seeking a monetary award for compensation from the landlord.

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 15, 2018

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Residential Tenancy Branch