



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

The landlord, the landlord's assistant and the tenant 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.

Issue(s) to be Decided

Is the tenant entitled to an order to the landlord to make emergency repairs to the rental unit?

Is the tenant entitled to an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement?

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During this hearing, the parties reached an agreement to settle their dispute.

Both parties agreed to the following terms of a final and binding resolution of the tenant's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

1. Both parties agreed that the landlord will seal up the storage area that is flooding and causing flooding into the tenant's rental unit, with the landlord to undertake this task the day after this hearing has taken place.
2. Both parties agreed that the landlord will use a specific type of vacuum, which the landlord currently has in their possession, to vacuum as much water as possible out of the tenant's carpet, with the landlord to undertake this task the day after this hearing has taken place.
3. Both parties agreed that the tenant will use a heater that they currently have to dry out the carpet in the tenant's rental unit and that the landlord will provide fans as necessary to assist in drying up the carpet.
4. Both parties agreed that the tenant can use the mini-fridge in the rental unit.
5. Both parties agreed that these particulars comprise the full settlement of all aspects of the tenant's current application submitted to the Residential Tenancy Branch on January 05, 2018.

I note that if the landlord does not attend to the flooding occurring in the rental unit and if the tenant's use of their rental unit continues to be negatively impacted by this flooding; the tenant will be at liberty to apply for dispute resolution to seek 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 26, 2018

Residential Tenancy Branch