



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

The tenants apply for an order compelling the landlord to comply with the law and the tenancy agreement and fix a garburator. Though not specifically claimed in the application, they also seek relief regarding a demand letter received from the landlord's insurers regarding the repair of water damage to a suite below this rental unit.

After discussion, it was agreed that the landlord would attend to the repair of the garburator and if she (or more particularly the professional who examines the garburator) thinks the tenants damaged it, she can make her own application against them to recover the repair cost.

Regarding the demand from the insurance company, that is not a matter that can be dealt with at this hearing. Normally the tenants would prove their non-liability if and when the landlord brings the insurance company's subrogated claim against the tenants on the insurance company's behalf.

I hereby by order that the landlord Y.Y. attend to the repair of the garburator in this rental unit within the following twenty one (21) days and to arrange for the services of a qualified tradesman to carry out the work.

The tenants have not made any claim for loss of use of the service of the garburator (or the dishwasher that is plumbed into it). They are free to do so, but might want to either wait for the landlord's workman to assess the cause of the garburator failure or alternatively, to hire their own professional to inspect it and determine the cause for its failure.

As the tenants have been successful I authorize them to recover the \$100.00 filing fee for this application. I authorize them to reduce their next rent due by \$100.00 in full satisfaction of the 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 07, 2018

Residential Tenancy Branch