



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FF

This hearing dealt with the tenants' 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;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed that the tenants served the landlord with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail on December 19, 2018. The tenants have submitted copies of the Canada Post Customer Receipt Tracking label as confirmation of service. No evidence was submitted by the landlord. Neither party raised any further issues. I accept the undisputed evidence of the tenants and find that the landlord has been properly served with Canada Post Registered Mail on December 19, 2018 as per sections 88 and 89 of the Act.

At the outset both parties confirmed that the landlord repaired the heating systems of the rental premises on or about January 8, 2019 and that no further action was required. The tenants confirmed that no other issues are outstanding from this application for dispute. As such, the tenants have been successful in their application and are entitled to recovery of the \$100.00 filing fee.

Both parties indicated that there are issues on whether the tenancy shall continue. As such, the tenants are granted a monetary order for \$100.00. If upon receipt of this decision the tenancy continues, the tenants are authorized to withhold one-time, \$100.00 from the next months' rent. Otherwise, the tenants are granted a monetary order.

The monetary order for \$100.00 must be served upon the landlord. Should the landlord fail to comply with the order, the order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

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 14, 2019

Residential Tenancy Branch