



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, PSF, RP, RR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for the landlord to make emergency repairs for health and safety reasons; to have the landlord comply with the Act, regulation and/or tenancy agreement; to have the landlord provided services or facilities required by the tenancy agreement; to have the landlord make repairs to the unit, to reduce rent for repairs; and to recover the filing fee.

On February 1, 2019, the tenants amended their claim adding a monetary claim of \$30,071.96.

Both parties appeared, gave affirmed testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

The parties confirmed receipt of all evidence submissions and there were no disputes in relation to review of the evidence submissions.

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the tenants indicated several matters of dispute on the Application for Dispute Resolution, the most urgent of which is the application for emergency repairs.

I find that not all the claims on this Application for Dispute Resolution are sufficiently related to be determined during these proceedings. I will, therefore, only consider the tenants' request for emergency repairs or any other issue that are by settlement agreement. The balance of the tenants' application is dismissed, with leave to reapply.

Issue to be Decided

Should the landlord be ordered to make emergency repairs?

Background and Evidence

The tenancy began approximately 12 years ago. Current rent in the amount of \$2,750.00 is payable on the 1st of each month.

The parties agreed that there was a flood in the basement on December 3, 2018.

During the hearing the parties agreed to settle the matter of emergency repairs, loss of services, and the purchase of the tenant's appliance on the following conditions:

1. The parties agreed that the landlord is currently making the necessary repairs to the basement, which are expected to be completed within the next ten (10) days;
2. The parties agreed that the landlord will compensate the tenant the sum of **\$400.00** for loss of service as the tenant was unable to use the laundry facilities due to the flood;
3. The parties agreed that the landlord will reimburse the tenant for the washing machine and dryer, that the tenant purchased in 2012, in the amount of **\$400.00**;
4. The parties agreed that the tenant is entitled to deduct the above amounts and the cost of the filing fee for a total amount of **\$900.00** from March 2019, rent; and
5. The tenant will provide the landlord with a new cheque for March 2019, rent in the total amount of \$1,850.00, to satisfy the above award. The previous cheque issued by the tenant to the landlord will be returned to the tenant.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

The tenants' application in part was settled. The balance of the tenant's claim is dismissed with leave to reapply.

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 25, 2019

Residential Tenancy Branch