



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, CNR, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the 10 day Notice to End Tenancy dated February 15, 2019
- b. An order for emergency repairs
- c. An order for more time to make this application.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenant. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the tenant was sufficiently served on the landlord. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated February 15, 2019?
- b. Whether the tenant is entitled to more time to make this application?
- c. Whether the tenant is entitled to an order for emergency repairs?

Background and Evidence:

The tenancy began in 2005. There is a dispute between the parties as to the amount of the rent owed.

Analysis:

Tenant Application to Cancel the 10 day Notice to End Tenancy dated February 15, 2019:

An arbitrator in a previous hearing cancelled the 10 day Notice to End Tenancy dated February 15, 2019. As a result there is no need to consider the tenant's application to cancel the Notice to End Tenancy dated February 15, 2019 as that issue has already been determined. The tenancy continues

The landlord served another 10 day Notice to End Tenancy on the Tenant dated March 22, 2019. The tenant applied to cancel that Notice and it is set for hearing in May 2019. The matter is not before in this application.

Tenant Application for emergency repairs:

The tenant seeks a repair order that the landlord repair a leak in the roof and an electrical hazard with wires falling from a light. The landlord testified he is not responsible for the light issue as the tenant installed it on his own without the consent of the landlord but he is willing to repair it. He has a contractor that will be making the repairs next week.

I order that the landlord make the following repairs by April 24, 2019:

1. Repair the leak in the roof
2. Repairs the electrical problem with the light.

Conclusion:

I dismissed the application for more time and for an order to cancel the 10 day Notice to End Tenancy dated February 15, 2019 as that Notice has been cancelled in a previous arbitration. I order that the landlord repair the leak in the roof and the electrical problem with the light by April 24, 2019.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on the authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Residential Tenancy Act.

Dated: April 09, 2019

Residential Tenancy Branch