



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, MNDCT, OLC, RP, PSF, LRE

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenant applied for emergency repairs for health or safety reasons, for regular repairs to the unit, site or property, for a \$5,000.00 monetary order for money owed or compensation under the *Act*, regulation or tenancy agreement, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, for an order to suspend or set conditions on the landlords' right to enter the rental unit, site or property and to provide services or facilities agreed upon but not provided.

The tenant, the landlords and a caretaker for the landlords appeared at the teleconference hearing and gave affirmed testimony. During the hearing the parties were given the opportunity to provide their evidence orally and respond to the testimony of the other party.

Both parties confirmed they received the evidence package from the other party and had the opportunity to review the evidence prior to the hearing. I find the parties were served in accordance with the *Act*.

Preliminary and Procedural Matters

Rule 2.3 of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules") authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenant indicated several matters of dispute on the application, the most urgent of which is the application for emergency repairs for health or safety reasons. I find that not all the claims on the application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request

for emergency repairs for health or safety reasons at this proceeding. The balance of the tenant's application is dismissed, **with leave to re-apply**.

In addition to the above, the parties confirmed their email addresses at the outset of the hearing. The parties also confirmed their understanding that the decision would be emailed to both parties.

Issue to be Decided

- Has the tenant provided sufficient evidence to support an order directing the landlords to make emergency repairs for health or safety reasons under the *Act*?

Background and Evidence

At the outset of the hearing, the tenant was asked to present which of their 19 item list dated March 13, 2019, would constitute emergency repairs for health or safety reasons. The tenant referred to the following items in response which I have shortened for clarity:

3. Noise...
4. Noise...
5. Not using laundry facilities during restricted hours...
9. Toilet plunger which the tenant confirmed was repaired by the landlord on April 4, 2019
12. Garbage – wood waste drawers inflammable...
17. Carpet soiling by dirt...
19. Firearm owned by your partner W is threatening, if in your state of agony.

[Name anonymized]

The tenant noted that #9 has already been addressed by the landlord and repaired as of April 4, 2019. The tenant submitted blurry, black and white photos which appear to have been poorly photocopied in evidence.

Analysis

Based on the documentary evidence and the testimony before me, and on the balance of probabilities, I find the following.

Section 33 of the Act covers emergency repairs and states:

Emergency repairs

33 (1) In this section, "**emergency repairs**" means repairs that are

- (a) urgent,
- (b) necessary for the health or safety of anyone or for the preservation or use of residential property, and
- (c) made for the purpose of repairing
 - (i) major leaks in pipes or the roof,
 - (ii) damaged or blocked water or sewer pipes or plumbing fixtures,
 - (iii) the primary heating system,
 - (iv) damaged or defective locks that give access to a rental unit,
 - (v) the electrical systems, or
 - (vi) in prescribed circumstances, a rental unit or residential property.

Firstly, I afford little weight to the tenant's photographic evidence which I find are blurry, not in colour, and poorly photocopied. I find the tenant has provided insufficient supporting evidence of flammable (or "inflammable" as claimed by the tenant) items described in #12 above.

As a result of the above, and taking into account that the toilet plunger was confirmed by the tenant as being fixed during the hearing as of April 4, 2019, **I find** that none of the items described above by the tenant constitute emergency repairs under section 33 of the *Act*.

I dismiss the tenant's application for emergency repairs due to insufficient evidence, without leave to reapply.

Conclusion

The tenant's application has no merit and is dismissed in full.

This decision will be emailed to the parties.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 13, 2019

Residential Tenancy Branch