



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP (*expedited hearing*)

Introduction

This *expedited hearing* was convened in response to an application by the tenant for the landlord to make emergency repairs pursuant to Section 33 of the *Residential Tenancy Act* (the Act). Both parties participated in the hearing. The matter of service of hearing documents was confirmed. The parties were given opportunity to resolve and settle their dispute to no avail. Despite the abundance of document submissions in this matter the parties were apprised that solely evidence relevant to the application for *emergency repairs* would be considered. Prior to concluding the hearing both parties acknowledged presenting all the relevant evidence they wished to present.

Issue(s) to be Decided

Is the tenant entitled to an Order compelling the landlord to make emergency repairs to the unit?

Background and Evidence

This tenancy started August 01, 2019. The relevant evidence in this matter is in respect to the tenant's original claim for emergency repairs for a water ingress issue which manifested as water below a portion of the flooring in the tenant's suite, which is at grade. The parties described that an air conditioning unit was apparently draining to the interior of the unit causing the water issue. The parties agreed that a technician attended and that the air conditioning unit was serviced and is not now causing a water related issue due primarily to the unit not being utilized. The landlord testified they are aware the issue may possibly return in a future season, however that they have a view to permanently resolving the issue before then. The tenant also seeks for the landlord to make certain other repairs which the parties agreed are not of an urgent nature, but which the tenant none the less seeks resolution, including a portion of the ceiling which is sagging as well as certain other cosmetic repairs.

Analysis

The full text of the Act, Regulation, and Residential Tenancy Policy Guidelines, can be accessed via the website: www.gov.bc.ca/landlordtenant.

Residential Tenancy Policy Guideline 51 - Expedited Hearings, states,

Order for Emergency Repairs Under Section 33 of the RTA (Residential Tenancy Act) and Section 27 of the MHPTA (Manufactured Home Park Tenancy Act), emergency repairs are defined as repairs that are urgent, necessary for the health or safety of anyone or for the preservation or use of property, and made for the purpose of repairing:

- major leaks in pipes,
- major leaks in the roof (RTA only),
- damaged or blocked water or sewer pipes,
- damaged or blocked plumbing fixtures (RTA only),
- the primary heating system (RTA only),
- damaged or defective locks that give access to a rental unit (RTA only), or
- the electrical systems.

Emergency repairs do not include things like repairs to a clothes dryer that has stopped working, mold removal, or pest control.

Emergency repairs also do not include things such as repairs to drywall anomalies, painting and other cosmetic considerations.

In this matter I find that I have not been presented with evidence of a requirement for emergency repairs as defined by the Act, and as articulated in Residential Tenancy Policy. As a result, the tenant's application for emergency repairs is **dismissed**.

None the less, the parties were apprised of the following information hereby summarized.

Section 32 of the Act guiding the tenant's and landlord's obligations in respect to repairs.

Residential Tenancy Act Regulation – Schedule 8, Repairs further guiding the tenant's and landlord's obligations in respect to repairs.

Conclusion

The tenant's application for *emergency repairs* is dismissed.

This Decision is final and binding.

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: November 18, 2019

Residential Tenancy Branch