



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on December 30, 2019 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order requiring the Landlords make emergency repairs for health or safety reasons; and
- an order granting recovery of the filing fee.

The Tenant and the D.E.T. attended the hearing at the appointed date and time and provided affirmed testimony.

Settlement

During the hearing, the parties advised that the main issue to be addressed relates to recovery of the filing fee. As the Landlords agreed to complete the repairs to the gas fireplace, the parties were advised that I would prepare a written decision that reflects the Landlords' agreement. During the hearing, the Landlords agreed to repair or replace the gas fireplace in the rental unit as soon as reasonably possible.

The above agreement was reached in accordance with section 63 of the Act. However, the parties disagreed about whether the Tenant is entitled to recover the filing fee. The Tenant testified the Landlords turned off the gas to the fireplace while she was away on vacation and did not act quickly enough to turn the gas on or repair the fireplace after receiving her requests to do so. The Tenant also referred briefly to the strained relationship between the parties. In reply, D.E.T. testified the Landlords have taken steps to resolve the issue in a reasonable time but that the Tenant did not allow access

when needed. D.E.T. testified that after repairs were completed the gas fireplace subsequently stopped working and now needs replacement. I also note it appears the Application was made only six days after the issue was reported to the Landlords and two days after the Tenant returned from vacation.

After careful consideration of the parties' submissions, I find it is more likely than not that the Tenant's decision to make the Application was motivated by the history of the relationship between the parties, rather than the Landlords' failure to respond to the Tenant's concerns within a reasonable period. Therefore, I decline to award recovery of the filing fee to the Tenant.

Conclusion

I order the parties to comply with the terms of the settlement agreement set out above.

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 20, 2020

Residential Tenancy Branch