



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Capreit  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      RP, FFT

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order to the landlord to make repairs to the rental unit pursuant to section 33; and
- authorization to recover their filing fee from the landlord pursuant to section 72.

The landlord did not attend this hearing which lasted approximately 15 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The tenant appeared, assisted by an advocate and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The tenant testified that their advocate served the landlord with the notice of application and materials on March 6, 2020 at the business address of the corporate landlord. The tenant provided a signed statement from their agent as evidence of service. Based on the evidence I find that the landlord is deemed served with the materials on March 6, 2020, in accordance with sections 88, 89 and 90 of the *Act*.

### Issue(s) to be Decided

Should the landlords be ordered to make repairs to the rental unit?  
Is the tenant entitled to recover their filing fee from the landlord?

### Background and Evidence

The tenant provided undisputed evidence on the following facts. This periodic tenancy began in 2014. The current monthly rent is \$983.63 payable on the first of each month.

The tenant says that the fan in the rental unit bathroom has not been functioning properly so that there is insufficient ventilation. The tenant submits that as a result there is steam and water damage to the bathroom and the tenant must keep the bathroom door open when taking a shower to allow for proper air flow. The tenant submitted photographs of the bathroom and affected areas as evidence in support of their testimony.

### Analysis

A landlord has the obligation to provide and maintain the residential property in a state of repair that complies with the health, safety and housing standards of the law and makes the rental unit suitable for occupation by a tenant.

I accept the undisputed evidence of the tenant that there are some issues with the ventilation system in the rental unit bathroom. I accept the evidence of the tenant that while some attempts at repairs have been made over the course of the tenancy there is still some issues that require inspection and addressing.

Based on the undisputed evidence of the tenant I determine that issuing an order that the landlord inspect and make repairs to the ventilation system of the rental unit bathroom to appropriate.

In consideration of the current state of pandemic and the tenant's testimony that they are able to use the bathroom facilities, I find it appropriate to order that the repairs be scheduled and made after the duration of *Ministerial Order M089* issued pursuant to the declaration of state of emergency.

As the tenant was successful in their application they are entitled to recover their filing fee. I allow the tenant to satisfy this monetary award by making a one-time deduction of \$100.00 from their next scheduled rent payment.

Conclusion

The landlord is ordered to inspect and make repairs to the ventilation system of the rental unit bathroom.

The tenant is authorized to make a one-time deduction of \$100.00 from their next scheduled rent payment.

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: April 24, 2020

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Residential Tenancy Branch