



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ERP

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied for an Order requiring the Landlord to make emergency repairs.

The Tenant with the initials "NN" stated that on October 23, 2020 the Dispute Resolution Package and evidence the Tenants submitted to the Residential Tenancy Branch were posted on the Landlord's door. The Landlord acknowledged receipt of these documents and the evidence was accepted as evidence for these proceedings.

On October 28, 2020 the Landlord submitted evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was posted on the Tenants' door on October 29, 2020. The Tenants acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

The participants were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. Each participant, with the exception of legal counsel, affirmed that they would speak the truth, the whole truth, and nothing but the truth during these proceedings.

Preliminary Matter

With the consent of both parties, the Application for Dispute Resolution was amended to remove the Respondent with the initials "MM", as that party does not exist.

Issue(s) to be Decided

Is there a need to issue an Order requiring the Landlord to make emergency repairs?

Background and Evidence

The Tenants applied for an Order requiring the Landlord to repair a kitchen faucet, a kitchen cabinet, a door lock, and the fire alarm.

The Tenant with the initials “NN” stated that all of the aforementioned repairs have now been completed. She stated that the kitchen faucet has been replaced and is functioning properly, but it is too large for the sink.

The Landlord stated that a new kitchen faucet has been installed, that it is functioning properly, and that it is the proper size for the sink.

The Tenant with the initials “NN” stated that other repairs are required, which are not itemized on the Application for Dispute Resolution. The participants were advised that only issues identified on the Application for Dispute Resolution could be considered at these proceedings. This is consistent with Rule 2.2 of the Residential Tenancy Branch Rules of Procedure, which stipulates that the “claim is limited to what is stated in the application”.

Analysis

Section 32(1) of the *Residential Tenancy Act (Act)* requires landlords to provide and maintain residential property in a state of decoration and repair that complies with the health, safety and housing standards required by law, and, having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

As the Tenants agree that the Landlord has repaired the kitchen cabinet, the door lock, and the fire alarm, I find there is no need to issue an Order requiring the Landlord to make those repairs.

As the Tenants agree that the Landlord has repaired the kitchen faucet and that it is working properly, I find there is no need to issue an Order requiring the Landlord to repair the faucet.

The Tenants submitted no evidence that corroborates their submission that the faucet is too large for the sink or that refutes the Landlord's testimony that the faucet is an appropriate size for the sink. As there is insufficient evidence to establish that the faucet is too large for the sink, I will not be issuing an Order requiring the Landlord to replace the new faucet.

Conclusion

The Tenants have failed to establish the need for an Order requiring the Landlord to make repairs.

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 10, 2020

Residential Tenancy Branch