



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for and an order for emergency repairs, pursuant to section 33.

Both parties attended the hearing. The landlord was represented by advocate SB. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

As both parties were present service was confirmed. The parties each confirmed receipt of the application and evidence (the materials). Based on the testimonies I find that each party was served with the respective materials in accordance with sections 88 and 89 of the Act.

Issue to be Decided

Is the tenant entitled to an order for emergency repairs?

Background and Evidence

While I have turned my mind to the evidence provided by the parties, including documentary evidence and the testimony of the attending parties, not all details of the submissions and arguments are reproduced here. I explained Rule of Procedure 7.4 to the attending parties; it is her obligation to present the evidence to substantiate her claims.

Both parties agreed the tenancy started on June 22, 2018. Rent is \$833.75 per month, due on the first day of the month. At the outset of the tenancy a security deposit of \$375.00 was collected and the landlord holds it in trust.

The tenant is seeking for an emergency repairs order to have the landlords waterproof the basement and to have the dishwasher repaired.

The tenant affirmed her rental unit is not in the basement, but the laundry is in the basement. The last time the basement flooded was in February 2020.

The landlord stated the last time the basement flooded was in 2016.

Analysis

Section 33 of the Act states:

- (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.

Based on the tenant's testimony, I find there is no urgency to have the basement waterproofed, as the last time the basement flooded was in February 2020 and there is no evidence the basement is about to flood again. Thus, the basement repair does not meet the criteria of section 33 (1)(a) of the Act.

A dishwasher repair is not considered an emergency repair, per section 33(1)(a), (b) and (c) of the Act.

Thus, I dismiss the tenant's application for an order for emergency repairs.

Conclusion

I dismiss the tenant's application for an order for emergency repairs without leave to reapply.

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 24, 2020

Residential Tenancy Branch