



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**      ERP 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 emergency repairs to the rental unit pursuant to section 33;
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

At the outset of the hearing, both parties confirmed that DM is not a named tenant in this dispute, and is the tenant for the upstairs suite. The landlord's proper name was also clarified. As neither party was opposed, the tenant's application was amended to reflect the proper spelling of the landlord's name, and remove DM's as a named tenant in this dispute.

This hearing was set on an expedited basis to deal with the tenant's application under section 33 (1)(c) of the *Act* for emergency repairs. Both parties confirmed in the hearing that on December 12, 2020, the landlord completed the repairs related to the flood, and that this issue was no longer outstanding. The tenant confirmed that there is a future hearing scheduled to deal with other issues related to this tenancy, which do not fall under 33 (1)(c) of the *Act*. The tenant testified that repairs to the dishwasher remain outstanding. The tenant also confirmed that no repairs to the heating system were required, but that she did not have access to control the heat in her rental unit. As the repairs related to the flood have been completed, and as no further repairs under 33

(1)(c) of the *Act* are required, the tenant's application for repairs under section 33(1)(c) of the *Act* was cancelled.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not required to make a decision on the merits of this case, I find that the tenant is not entitled to recover the \$100.00 filing fee paid for this application. The tenant must bear the cost of this filing fee.

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: December 21, 2020

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Residential Tenancy Branch