



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP

Introduction, Preliminary and Procedural Matters-

This matter originally convened by teleconference on December 8, 2020 to deal with the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act). The tenant applied for:

- an order requiring the landlord to make emergency repairs to the rental unit for health or safety reasons.

At the original hearing, the tenant, her advocate, and the landlord attended and affirmed testimony was taken.

Due to matters brought forth in the hearing, it became necessary to adjourn the hearing.

An Interim Decision was made, which is incorporated herein by reference and should be read in conjunction with this Decision. The Interim Decision made specific orders for the landlord as to repairs to the hot water tank, during the period of adjournment.

Although notified of the date and time for the reconvened hearing by email to their confirmed email address, the landlord did not appear.

The tenant and her advocate appeared at the reconvened hearing and said that the tenants were vacating the rental unit by January 31, 2021. The tenant and her advocate also said that the landlord has never made the repairs which were ordered in a previous Decision by another arbitrator on July 13, 2020, and in my Interim Decision of December 9, 2020.

The tenant submitted that she had no choice but to vacate, due to an impending surgery, as she required hot water for health and safety reasons.

Analysis and Conclusion

Because the tenancy is ending on January 31, 2021, I find it unnecessary to further consider the tenant's request for emergency repairs. These matters relate to an ongoing tenancy and the issue is now moot.

This matter is now closed. Therefore, the tenant's application is dismissed without leave to reapply.

The tenant and her advocate were informed of the Compliance and Enforcement Unit of the Residential Tenancy Branch (RTB), as the ordered repairs have not been made by the landlord.

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 29, 2021

Residential Tenancy Branch