



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **ERP, FFT**

### Introduction

The words tenant and landlord in this decision have the same meaning as in the *Residential Tenancy Act*, (the "Act") and the singular of these words includes the plural.

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

- An order for emergency repairs pursuant to section 33; and
- Authorization to recover the filing fee for this application from the opposing party pursuant to section 72.

The tenants attended the hearing with their agent/daughter, NS ("tenant"). The landlord attended the hearing and confirmed receipt of the tenant's Application for Dispute Resolution. The tenants acknowledged receipt of the landlord's evidence. Both parties were advised that recording of the hearing was prohibited and both parties were given oaths to tell the truth at the commencement of the hearing.

### Issue(s) to be Decided

Should the landlord be required to do emergency repairs to the loose steps?

### Background and Evidence

The tenant gave the following testimony. When the tenants signed the tenancy agreement with the landlord on October 28<sup>th</sup>, 2020, the tenants' son advised the landlord that the cap stones on the outdoor steps are loose and could be dangerous. The tenant testified that the landlord responded by telling them the steps are "flexible" and they are fine. The tenants did not put their concerns regarding the loose cap stones into writing as they are not fluent in English.

On April 11, 2021 at approximately 9:30 a.m., the tenant's father went to check on their cars and fell backwards when a capstone on a step gave way, causing him to fall. The

father went to the emergency room at the hospital for tests and stitches to the back of his head.

The tenants filed to have the stairs repaired as an emergency repair on April 13, 2021.

On April 30<sup>th</sup>, 2021, the tenant's son saw the landlord had hired someone to fix the stairs. The tenant testified that the capstones are currently satisfactory, and they do not have any issues with them.

The landlord testified that he hired a landscaper to come and glue the capstones to the steps. The landlord testified that the tenants never advised him about the loose capstones and if he had known about the issue previously, he would have had them repaired.

#### Analysis

The tenants testified that the issues of the "loose stairs" were repaired to their satisfaction. As the repairs have already been completed to their satisfaction, the tenants' application seeking this emergency repair under section 33 of the Act is dismissed without leave to reapply.

The decision to order payment of the filing fee is discretionary upon the arbitrator and in accordance with section 72 of the Act, the filing fee will not be recovered.

#### Conclusion

The tenants' application is dismissed 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: May 18, 2021

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Residential Tenancy Branch