



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT

Introduction

This hearing convened as a Tenant's Application for Dispute Resolution, filed on April 21, 2021, wherein the Tenant requested an Order for emergency repairs and recovery of the filing fee.

The hearing was conducted by teleconference on May 28, 2021 and continued on July 12, 2021. Both parties called into the hearings and were provided the opportunity to present their evidence orally and in written and documentary form and to make submissions to me.

The parties were cautioned that recordings of the hearing were not permitted pursuant to *Rule 6.11* of the *Residential Tenancy Branch Rules*. Both parties confirmed their understanding of this requirement and further confirmed they were not making recordings of the hearing.

The parties agreed that all evidence that each party provided had been exchanged. No issues with respect to service or delivery of documents or evidence were raised.

Preliminary Matter—Relief Sought and Jurisdiction

In his original application, the Tenant sought an order for emergency repairs relating to the rental unit sewage system. At the time of the original hearing he stated that the issue was that the sewage liquid leaked out such that the ratio of liquid to solid is not adequate and therefore does not empty. He sought an Order that the Landlord attend to pumping out the tank.

When the hearing reconvened on July 12, 2021, the Tenant confirmed that there were no issues as the tank has been emptied. He stated that as long as the tank is regularly emptied there are no issues *in the rental unit*. The Tenant confirmed that the issue is that the tank is now seeping into the groundwater. He further confirmed that he reported this to the municipality as well as to the B.C. Ministry of Environment and Climate Change Strategy.

The Landlord denied there were any issues with the manhole sewage tank. She stated that the issue arose from the Tenant's improper use.

The Tenant confirmed that at present there are no issues with the rental unit, and as such no need for an order for emergency repairs. As such, I dismiss the Tenant's claim with leave to reapply.

The issues raised by the Tenant relating to possible ground water contamination are not within my jurisdiction as an Arbitrator for the Residential Tenancy Branch, as they likely relate to the *Groundwater Protection Regulation* and the *Water Sustainability Act*.

The Tenant confirmed he has retained counsel to address these matters at both the municipal and provincial level.

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: July 13, 2021

Residential Tenancy Branch