



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT

Introduction

On August 28, 2021, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting an expedited hearing for the Landlord to complete emergency repairs, and to be compensated for the filing fee. The matter was set for a participatory hearing via conference call.

Preliminary Matter

The Tenants and their counsel attended the hearing and provided testimony.

The Tenants testified that the tenancy had ended and that they moved out of the rental unit as of September 1, 2021.

The Tenants’ counsel stated that the Tenants no longer required an order for emergency repairs; however, were requesting compensation from the Landlord.

Under section 33 of the RTA, emergency repairs are defined as repairs that are urgent, necessary for the health or safety of anyone or for the preservation or use of property and made for the purpose of repairing major leaks in pipes, major leaks in the roof, damaged or blocked water or sewer pipes, damaged or blocked plumbing fixtures, the primary heating system, damaged or defective locks that give access to a rental unit, or the electrical systems.

Emergency repairs do not include things like repairs to a clothes dryer that has stopped working, mold removal, or pest control.

An application for an expedited hearing cannot be combined with another claim, such as a request for monetary compensation (except a request for repayment of the filing fee). For example, if a tenant applied in a single application for both emergency repairs and monetary compensation for damage to their personal property due to a plumbing leak, the matter will not be set down for an expedited hearing. To engage the expedited hearing process, the tenant would need to file one application for emergency repairs,

which would be expedited, and a separate application for dispute resolution to pursue the monetary claim which would be scheduled regularly.

As the Tenants have testified that the tenancy is over and do not require an order for emergency repairs, I dismiss their Application without leave to reapply.

Conclusion

I dismiss the Tenants' Application for Dispute Resolution without leave to reapply.

In the event that the parties decide to apply for dispute resolution for other matters, they will be required to resubmit all written evidence, upon which they intend to rely, to each other again. They will also need to submit their evidence to the Residential Tenancy Branch's online portal again.

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: September 27, 2021

Residential Tenancy Branch