



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 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 landlord and both tenants attended this hearing. At the commencement of the hearing, the landlord advised me that the tenants had served him with a notice to end the tenancy, effective October 1, 2021. The tenants confirmed they have found another residence and that they would vacate the rental unit by October 1st.

The tenants testified that they had filed this application before they found a new residence and they did not have time to withdraw it before the hearing. The landlord testified that he does not anticipate he will re-rent the unit after the tenants vacate it.

Analysis

The tenant's application for emergency repairs under section 33 was made before they served the landlord with a one month notice to end tenancy. The landlord acknowledges the tenancy will end on that date and that he does not dispute the tenants' choice to end it.

As of today's date, September 3, 2021, there are only 27 days left before the tenancy will end. As such, I find it would be unreasonable to order that the landlord perform the emergency repair while the tenants continue to occupy the rental unit and it would be unreasonable to have the landlord spend the money on making the repairs if the tenants will be gone in the next 27 days. For these reasons, I dismiss the tenants' claim for emergency repairs without leave to reapply.

As the tenants' application was not successful, the tenants are not entitled to recovery of the \$100.00 filing fee for the cost of this application.

Conclusion

The 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: September 03, 2021

Residential Tenancy Branch