



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MILLENNIUM NICOLA PROPERTIES
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP, FFT

Introduction

On August 25, 2021, the Tenant filed an Application for Dispute Resolution under the *Residential Tenancy Act* (“the *Act*”) for an order for the Landlord to make emergency repairs to the rental unit and for the recovery of the filing fee for this application. The matter was set for a conference call.

The Tenant (the “Tenant”), the Landlord, and the Landlord’s counsel (the “Landlord”) attended the hearing and were each affirmed to be truthful in their testimony. The Landlord and Tenants were provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing. Both parties were advised of section 6.11 of the Residential Tenancy Branches Rules of Procedure, prohibiting the recording of these proceedings.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Is the Tenant entitled to an order for Emergency repairs to the rental unit?
- Is the Tenant entitled to recover the cost of the filing fee?

Background and Evidence

The Tenant testified that they reported a water leak in the walls of their rental unit that they suspected was caused by a leak in the roof of the rental building to the Landlord on February 21, 2021, and that as of the date of these proceedings, the leak had been repaired but that the water leak had damaged the electrical system/supply their unit. The Tenant is requesting an emergency order be issued for the repair of the electrical system for their rental unit.

The Landlord testified that they have been working on getting the required permits to repair/upgrade the electrical system/supply for the rental property, but that due to the age of the building, they are also required to get the heritage office to approve the change to the electrical system for the property, which is required to bring the ageing building up for local code.

The Landlord testified that they have three rental units and two commercial units sitting empty in the building due to the delay in getting the required permits to repair this property. The Landlord testified that they hope to have required permits soon to commence these much-needed repairs.

The Tenant testified that they have not been staying in the rental unit since September 2021 due to the dangerous state of the electrical system on the rental property.

Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

During these proceedings, both the Tenant and the Landlord agreed that there are major repairs required to this ageing rental property and that due to the previous owner's neglect, the roof of this rental property had started to leak, which has caused water damage to several rental units contained on the property, including the unit occupied by this Tenant.

The parties also agreed that since purchasing this rental unit in October 2020, this Landlord has been working with the local municipality and the heritage building office to

obtain the required permits to make the extensive repairs that are required for this property.

Both parties agreed that the roof of the rental property had been repaired as of the date of these proceedings but that water had damaged the electrical supply to the rental unit and that as of the date of these proceedings, the Landlord was still seeking the required permits to make the repairs and required upgrades to the electrical system for the building. Section 33 of the *Act* states the following:

Emergency repairs

33 (1) *In this section, "emergency repairs" means repairs that are*

- (a) urgent,*
- (b) necessary for the health or safety of anyone or for the preservation or use of residential property, and*
- (c) made for the purpose of repairing*
 - (i) major leaks in pipes or the roof,*
 - (ii) damaged or blocked water or sewer pipes or plumbing fixtures,*
 - (iii) the primary heating system,*
 - (iv) damaged or defective locks that give access to a rental unit,*
 - (v) the electrical systems, or*
 - (vi) in prescribed circumstances, a rental unit or residential property.*

Pursuant to section 33 of the *Act*, I find that the electrical repairs required to this rental property constitute an Emergency Repair and must be completed as soon as reasonably possible. I accept the Landlord's testimony that they are working with local authorities to secure the required permits to complete the necessary repairs/upgrades and that they agreed to have all required repairs to the electrical system completed.

Accordingly, I order the Landlord to complete all required repairs to this rental unit's electrical system in accordance with municipal by-laws and heritage site requirements.

Additionally, I accept the testimony of the Tenant that due to the current state of the electrical system in the rental unit, it is unsafe for them to sleep in the rental unit. Therefore, until such a time that the Landlord has completed the necessary repairs to the electrical system on the rental property, I order that the Tenant's monthly rent be reduced to \$100.00 per month, effective September 1, 2021.

Once the repairs are completed, the reduced rent will return to the normal monthly amount. If there is any disagreement between these parties as to the date when these repairs are completed, the Landlord must apply for and obtain an order from this office in order to return the reduced rent to the normal monthly amount.

Section 72 of the *Act* gives me the authority to order the repayment of a fee for an application for dispute resolution. As the Tenant has been successful in their application, I find that the Tenant is entitled to recover the \$100.00 filing fee paid for this application. I grant permission to the Tenant to take a one-time deduction of \$100.00 from their next month's rent in full satisfaction of this award.

Conclusion

I hereby order the Landlord to make all necessary repairs to the rental unit's electrical system in accordance with municipal by-laws and heritage site requirements.

I order that the monthly rent for this tenancy is reduced to \$100.00 per month, effective September 1, 2021, and remain at this amount until the Landlord has completed all required repairs to the electrical system on this rental property.

I grant the Tenant permission to take a one-time deduction of \$100.00 from their next month's rent.

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: October 7, 2021

Residential Tenancy Branch