



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Porte Realty Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP, FFT

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for repairs - Section 32; and
2. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to an order for repairs?

Is the Tenant entitled to recovery of the filing fee?

Background and Evidence

At the onset of the hearing the Tenant confirmed that repairs were made in October 2021 and that since these repairs the noise issue has been resolved. The Tenant is concerned however that the issue may return in the spring.

Analysis

Section 32(1) of the Act provides that a landlord must provide and maintain residential property in a state of decoration and repair that

- (a) complies with the health, safety and housing standards required by law, and

(b)having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

Given the Tenant's evidence that the repairs have been made and there is no longer an issue I find that the Tenant is no longer entitled to an order for repairs. As the Tenant has not been successful with their claim, I decline to award recovery of the filing fee and in effect the Tenant's application is dismissed in its entirety. As the Tenant's rights to repairs are continuing under a tenancy agreement should the issue arise again, the Tenant remains at liberty to seek another order for repairs.

Conclusion

The application is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: January 28, 2022

Residential Tenancy Branch