



# 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 to the landlord to perform emergency repairs to the rental unit pursuant to section 33;
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

Both parties attended the hearing. Pursuant to Rule 6.11 of the RTB Rules of Procedure, the Residential Tenancy Branch's teleconference system automatically records audio for all dispute resolution hearings. In accordance with Rule 6.11, persons are still prohibited from recording dispute resolution hearings themselves; this includes any audio, photographic, video or digital recording. Both parties confirmed that they understood.

Both parties confirmed that the repairs referenced in this application have been completed, and that the application can be cancelled. Accordingly, the tenant's application for emergency repairs was cancelled.

The tenant requested monetary compensation, as well as reimbursement for the filing fee paid for this application. The landlord does not agree that they should reimburse the tenant any compensation or the filing fee paid for this application as the repair was done as soon as possible.

I note that this application was an expedited hearing to deal with emergency repairs and the associated filing fee. A party to a dispute resolution hearing is entitled to know the case against him/her and must have a proper opportunity to respond to that case. To proceed with any additional claims that were not properly the Arbitrator at the time of the

scheduled hearing would be a breach of the principles of natural justice and procedural fairness. For this reason, no additional disputes can be heard at this time. The tenant is at liberty to file a new application. Liberty to apply is not an extension of any applicable timelines.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not required to make a decision on the merits of this case, I find that the tenant is not entitled to recover the \$100.00 filing fee paid for this application. The tenant must bear the cost of this filing fee.

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: January 06, 2023

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Residential Tenancy Branch