



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *RP, RR, LRE, FF*

Introduction

This hearing dealt with an application by the tenant, pursuant to the *Residential Tenancy Act*, for an order directing the landlord to carry out repairs, for a reduction in rent and for the recovery of the filing fee. The tenant also applied for an order to suspend or set conditions on the landlord's right to enter the rental unit.

The landlord's agent attended the hearing. The tenant stated that she served her evidence to the landlord by an email that she used to correspond with the landlord. The landlord did not file any documents into evidence. The parties were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord fulfilled his responsibilities as a landlord with regard to maintenance and repairs? Is the tenant entitled to a rent reduction?

Background and Evidence

The tenancy started on March 17, 2022. The monthly rent is \$2,700.00 payable on the 15th of the month. The tenant stated that she had requested some repairs and maintenance from the start of tenancy and the landlord had agreed to do so but did not follow up.

The tenant testified that the dishwasher was problematic and despite several emails to the landlord to have it repaired, it was not repaired until October 2022. The tenant stated that she hired a repair person and had it repaired on October 21, 2022, at a cost of \$300.00. During the hearing the landlord agreed to reimburse the tenant if the tenant provided a valid receipt.

The tenant provided a list of the pending repairs.

1. Extermination of rodents
2. Mould removal in the attic, bedroom and washroom
3. Repair the fan on the stove hood.

The tenant also wanted to restrict the landlord's right to enter the rental unit and has applied for the recovery of the filing fee.

Analysis

Section 32 of the *Residential Tenancy Act*, provides the landlord and tenant obligation to repair and maintain the rental unit. The landlord must provide and maintain the rental property in a state of decoration and repair that complies with the health, safety and housing standards required by law.

In this case, I order the landlord to conduct the following repairs by March 10, 2023

1. Extermination of rodents
2. Mould removal in the attic, bedroom and washroom
3. Repair the fan on the stove hood.

Should the landlord not complete repairs by March 10, 2023, the tenant may make application for a rent reduction.

Regarding the landlord's right to enter the rental unit, Section 29 of the *Residential Tenancy Act* states that a landlord must not enter a rental unit that is subject to a tenancy agreement for any purpose unless one of the following applies:

(a) the tenant gives permission at the time of the entry or not more than 30 days before the entry;

(b) at least 24 hours and not more than 30 days before the entry, the landlord gives the tenant written notice.

During the hearing the landlord agreed to comply with Section 29.

Since the tenant has proven her case, she is entitled to the recovery of the filing fee. The tenant may make a onetime deduction of \$100.00 from a future rent.

Conclusion

I order the landlord to carry out the repairs as stated above and have the work completed by **March 10, 2023**. If the landlord does not complete the repairs listed above, by this date the tenant is at liberty to make an application for a rent reduction.

The landlord must comply with section 29 of the *Residential Tenancy Act* and provide at least 24 hours notice prior to visiting the rental unit.

The landlord must reimburse \$300.00 to the tenant upon receipt of a valid invoice and proof of payment.

The tenant may make a onetime deduction of \$100.00 from a future rent to recover the 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: February 24, 2023

Residential Tenancy Branch