



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: *ERP RP, OLC*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act*, for an order seeking landlord's action to comply with the *Act* and conduct emergency repairs. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The tenant stated that her application was for an order to get the landlord to conduct an environmental survey of the rental unit to determine whether the cause of her compromised immunity was a result of some toxic agent present in the unit. The tenant stated that she applied for an order for emergency repairs based on the information that she received. She stated that she was in fact applying for the environmental survey to be conducted by the landlord at her cost and not for emergency repairs.

Issues to be decided

Is the landlord responsible for the cost to conduct an environmental survey of the rental unit?

Background and Evidence

The tenancy started on February 11, 2002. The monthly rent is \$758.00.

The tenant has filed a doctor's note which states that the tenant has confirmed immunodeficiency that has not responded completely to standard treatment. The doctor states "*An environmental assessment of her home is recommended to rule out a toxic agent as a cause for her continuing symptoms*". The tenant requested the landlord to have the survey done.

The landlord responded in writing giving the tenant approval to have the survey done at her cost. The landlord also requested the tenant to forward a copy of the report to her for further action, if necessary.

Analysis

Based on the sworn testimony of both parties, I find that the tenant has not proven that the landlord failed to meet her obligations under to *Act* with regard to providing services and facilities that are essential to the tenant's use of the rental unit as living accommodation. The landlord is not responsible for conducting a survey to determine the cause of the tenant's health problems. However, the landlord is responsible for conducting appropriate repairs and has agreed to take necessary action upon receipt of the environmental survey report.

Conclusion

The tenant has not proven her case and therefore the landlord is not responsible for the cost of having an environmental survey done. The tenant's application is dismissed in its entirety.

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 13, 2010.

Dispute Resolution Officer