



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ERP, OLC, RP, FF

### Introduction

This is an application filed by the Tenants for an order for the Landlord to make emergency repairs for health or safety reasons, to comply with the Act, Regulations or Tenancy Agreement, to make repairs to the unit, site or property and recovery of the filing fee.

The Tenants attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend or submit any documentary evidence. The Tenant state that the Landlord was served with the notice of hearing package by Canada Post Registered Mail on July 31, 2013 and has provided a copy of the Customer Receipt Tracking number as confirmation.

The Tenant has requested that the Landlord provide receipts, permits and the name, electrical license number and contact information related to a 2011 installation of the basement suite electrical to assess if any negligence was involved on the part of the Landlord or electrician. This request was denied as it is a request to gather evidence on the part of the Landlord for the Tenant in a future dispute. This responsibility is that of the Tenant.

### Issue(s) to be Decided

Is the Tenant entitled to an order for emergency repairs?

Is the Tenant entitled to an order for repairs?

Is the Tenant entitled to an order to comply with the Act, Regulations or Tenancy Agreement?

### Background and Evidence

This Tenancy began on February 15, 2011 on a fixed term tenancy ending on February 15, 2012 and then thereafter on a month to month basis as shown on the submitted copy of the signed tenancy agreement. The monthly rent is \$2,000.00 payable on the 15<sup>th</sup> of each month and a security deposit of \$1,000.00 and a pet damage deposit of \$1,000.00 were both paid on January 25, 2011.

The Tenants experienced unusual electrical activity and that a licensed electrician inspected the rental unit and identified two electrical safety hazards on July 7, 2013 in a 16 point Electrical Safety Inspection Report by Expert Electric. The Report identified in a visual inspection several deficiencies that would need to be addressed. The Landlord was notified in a letter dated July 11, 2013 to asking for the repairs to be made by July 25, 2013. The Tenant was notified on August 25, 2013 by email that an electrician would attend address the electrical issues. The Tenant states that the electrician attended on September 1, 2013 and notified the Tenants that the electrician was only onsite to deal with specified work.

The Tenant states that the only apparent issue remaining is to have the Octagon box in the garage dealt with as listed as #2 on the 16 point electrical safety inspection report and to have a follow up 32 point electrical safety inspection performed. The Tenant has also noted in his direct testimony that the Landlord had consented to the 32 point electrical safety inspection in an email, but would not order the inspection and has not to the date of this hearing. The Tenant states that the Landlord has failed to provide any further communication regarding these issues with the Tenant.

### Analysis

I accept the undisputed testimony of the Tenant and find that a claim for the repair of item #2 from the Expert Electric 16 point Electrical Safety Inspection Report, the Octagon box in the garage with exposed wired and the request for a 32 point electrical safety inspection has been established. The Tenant has provided evidence that shows the Landlord was notified of any potential electrical issues and has failed to do so. The Landlord is ordered to make the necessary repairs to the Octagon Box in the garage as noted in the 16 point inspection report and to have a further detailed 32 point Electrical Safety Inspection Report performed by a licensed electrician.

The Tenants having been successful in the application is entitled to recovery of the \$50.00 filing fee. I grant the Tenant a monetary order for \$50.00. This order may be

filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Tenant's Application for the Landlord to repair the octagon box in the garage and to have a 32 point electrical safety inspection report performed by a licensed electrician is granted.

The Tenant is granted a monetary order for \$50.00.

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: September 05, 2013

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Residential Tenancy Branch

