



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Prehofer Construction Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP FF

Introduction

This hearing dealt with the tenants' application for an order for repairs. The tenants attended the teleconference hearing but the landlord did not.

The tenants stated that the landlord was served with the application for dispute resolution and notice of hearing by registered mail sent on July 2, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the landlord was deemed served with notice of the hearing on July 7, 2014, and I proceeded with the hearing in the absence of the landlord.

Issue(s) to be Decided

Should I order the landlord to do repairs?

Background and Evidence

The tenants stated that they have lived in the rental unit for approximately 17 years. The tenants submitted a copy of a letter to the landlord dated June 5, 2014. In the letter the tenants identified two health and safety issues and requested that the landlord resolve the issues.

The first issue is a sink hole in the back yard. The tenants described and submitted photographs to illustrate that there are three large concrete slabs in the back yard that have started to sink down. At one outside corner a hole formed, and now measures approximately eight feet deep. The tenants submitted that the hole, which seems large enough for a cat to fall into, is a safety concern.

The second issue is mould in the attic. The tenants described and submitted photographs to illustrate "an obvious and large amount of black mould on the underside of the roof as well as on the joist supports." The tenants stated that the female tenant

has become quite ill as a result of exposure to the mould. The tenants stated that the opening to the attic is between their bedroom and the main bathroom, and in order to avoid exposure to the mould the tenants have begun sleeping in the basement.

The tenants stated that the landlord has not responded to their letter requesting that these two issues be addressed.

Analysis

I find that it is necessary for me to make repair orders. I accept the evidence of the tenants that the sink hole and the mould may present health and safety risks, and the landlord must address those issues as required under section 32 of the Act.

Conclusion

I order the landlord to have professional assessments of the sink hole and the mould carried out no later than September 5, 2014.

After the assessments have been carried out, I order the landlord to take whatever steps are necessary to properly remediate both the sink hole and the mould in the attic, no later than September 15, 2014.

If the landlord fails to comply with these orders, it is open to the tenants to apply for monetary compensation.

As their application was successful, the tenants are entitled to recovery of their \$50 filing fee. The tenants may withhold this amount from their next month's rent.

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: August 28, 2014

Residential Tenancy Branch

