



Policy Number: 08-006
Subject: Order for Repairs
Chapter: Orders of Director

Legislation	s. 10.(1) Statutory Condition 1, s. 47
Definitions	N/A
Purpose	The purpose of this policy is to outline how a tenant may obtain an Order for Repairs
Policy	<p>Where a landlord does not maintain the rented premises in a good state of repair during the course of the tenancy, the tenant may issue the landlord with a notice to have the required repairs carried out within a specified period of time. This policy is outlined in section 04-002 of this manual, Tenant's Request for Repairs.</p> <p>If the landlord fails to make the required repairs within a reasonable amount of time, the tenant may make application to this Section seeking one of the following:</p> <ul style="list-style-type: none">• An order requiring that the landlord carry out the required repairs;• An order for a reduction of the amount of rent payable until such time as the repairs are carried out; or• An order directing the tenant to pay her rent to this Section, in trust, until such time as the repairs are carried out. <p>A tenant may not make an application seeking one of these remedies unless the tenant's rent is paid and up-to-date.</p>
Procedure Overview	<p>Before a tenant can seek an Order for Repairs, a Tenant's Request for Repairs must have been issued, requiring that the landlord carry out the repairs by a specified date. The intake officer must also ensure that the tenant's rent is paid and up-to-date.</p> <p>If the repairs are not carried out by the date specified in the notice, the tenant may submit an Application for Dispute Resolution, checking the box: "Repairs Made", and the tenant may also indicate on the application that they are seeking a reduction in rent, or that the rent be paid to the director in trust, until the repairs are made. A \$20.00 application fee is required. At the time of making application, a copy of the Tenant's Request for Repairs must be submitted. Once the application has been processed, a hearing date will be</p>



scheduled. The tenant is required to serve the landlord with the application and the notice of the hearing 10 clear days before the hearing date (see [Policy 05-001](#)).

At the hearing, the tenant would be required to submit evidence showing the following:

- That the landlord had failed to comply with statutory condition 1, and that the unit is in a state of disrepair or that it is not in compliance with a law respecting health, safety or housing.
- That the Tenant's Request for Repairs was properly served on the landlord and
- That the landlord had been given a reasonable amount of time to complete the repairs.

If the adjudicator determines that the Tenant's Request for Repairs is valid and that the landlord was not in compliance with statutory condition 1, the adjudicator may issue an order requiring that the landlord carry out specific repairs to the property. That order will also state:

Where a tenant vacates the unit before repairs are completed, the landlord is required to complete the repairs prior to re-renting the unit.

If requested by the tenant, the adjudicator may also issue an order reducing the amount of rent that the tenant is required to pay during each rental period until the repairs are carried out. Or, if requested, the adjudicator may also issue an order requiring that the tenant pay their rent to the director, in trust, until the repairs are carried out. If rent is to be paid to the director, in trust, the order will read:

The tenant shall forward all rent payable that comes due, beginning (day/month/year), to the Residential Tenancies Section in the form of a Canadian Postal Money Order made payable to the Residential Tenancies Trust Account. That rent will be held in trust until it is determined that the landlord has complied with the above orders. The tenant shall continue to forward rent to this Section, as it comes due, until they are ordered by this Section to reinstate payments to the landlord or until they vacate the rental unit.



	<p>The order should also state the following:</p> <p>The landlord shall provide the Residential Tenancies Section with an affidavit to that effect along with date-stamped photographs showing the repairs and any associated invoices, receipts or inspection reports.</p> <p>Once the director is satisfied that the landlord has completed the repairs in accordance with the adjudicator's order, the director shall:</p> <ul style="list-style-type: none">• If the tenant's rent had been reduced, order that the original rate of rent be reinstated.• If the tenant's rent was being paid to the director in trust, order that the tenant stop paying rent to the director and order that it be paid it to the landlord. The director shall also release to the landlord any rent that was being held in trust while the repairs were being carried out.
Forms & Form Letters	Tenant's Request for Repairs
X-Reference	See section 04-002 of this manual, Tenant Request for Repairs
Policy Developed	September, 2001
Last Revision	January, 2002 January, 2024
Other Resources	N/A