



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNDC FF O

Introduction

This hearing dealt with an application by the tenant for a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement.

During the hearing the tenant stated that she did not receive the landlord's evidence. The landlord stated that the evidence package was sent by registered mail to the address that the tenant provided in her application for dispute resolution. I accepted the landlord's submissions on this point and admitted the landlord's documents.

Issue(s) to be Decided

Are the tenants entitled to monetary compensation in the amounts claimed?

Background and Evidence

The tenancy began on November 1, 2007. The tenant's evidence is that shortly after moving in the tenants noticed bugs in the apartment. They informed the landlord, who attempted to arrange for fumigation. The tenants were provided information that led them to believe they would have to vacate for 24 hours after the fumigation, given that one of the tenants suffers from asthma. The tenants could not afford a hotel and they did not want to pack up their belongings again so soon after moving, so they refused to participate in the fumigation. The tenants tried to get rid of the bugs by killing them when they saw them, but the situation worsened, and they agreed to go ahead with the fumigation, which occurred on February 16, 2008. When the tenants returned to the

apartment the day after fumigation, they saw dead and live bugs as well as bedbug eggs everywhere. The fumigator informed the tenants that this was normal, and they would likely have to come back to do a second fumigation. The second fumigation was carried out on February 21, 2008. After the second fumigation the tenants still saw bugs everywhere, and on March 2, 2008 the tenants gave the landlord notice that they were moving out. The tenants vacated the rental unit on March 7, 2008. The tenants had to throw out several pieces of furniture and personal items that were ruined by the bedbugs, and they claim compensation for these items as well as disposal and moving costs, for a total claim of \$5,000. The tenants also seek recovery of the filing fee. The landlord's position is that the tenants are not entitled to monetary compensation because they refused to allow fumigation for three months and are therefore responsible for allowing the situation to worsen.

Analysis

I find that the tenants are not entitled to any monetary compensation as they did not reasonably cooperate with the landlord to eliminate the bedbug problem.

Conclusion

The application of the tenants is dismissed. The tenants are not entitled to recovery of the filing fee.

Dated September 22, 2008.