



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, ERP, RP, RR, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This was a request for a monetary order for \$100.00 for loss of use and enjoyment and for an order for the landlord to deal with a mouse infestation. The applicant is also requesting an order that the landlord bear the \$50.00 cost of the application fee paid for this hearing.

Background and Evidence

The applicant testified that:

- The landlord has had the exterminators come in and therefore he no longer needs and order for the landlord to deal with the mouse infestation.
- He would like an order for \$100.00 for loss of use and enjoyment for having to deal with the mouse infestation.
- He would also like the landlord to reimburse the filing fee that he had to pay for this application for dispute resolution.



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The respondent testified that:

- The tenant never informed him of the mouse infestation and therefore he was unaware of it until he received this application for dispute resolution.
- Once he became aware of the infestation he arranged to have the exterminators come in and deal with the problem.

Analysis

It's my decision that the applicant has not shown that he gave the landlord previous notice of the mouse infestation and therefore I will not allow the claim for \$100.00 for loss of use and enjoyment.

I will however allow the claim for the filing fee, because this was a reasonable application to get the landlord to deal with the mouse infestation.

Conclusion

I Order, that the landlord bear the cost of the filing fee paid for this hearing. The tenant may therefore deduct \$50.00 from future rent payable to the landlord.

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: June 04, 2009.

Dispute Resolution Officer