



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MT, CNC, MNDC

Introduction

This hearing was convened in response to an application for dispute resolution filed by the tenant seeking:

1. More time to make this application;
2. To cancel a Notice to End Tenancy given for Cause; and
3. A monetary order for damage or compensation in the sum of \$200.00

I am satisfied that the landlord was served with the tenant's application by way of personal delivery on October 20, 2009.

The landlord did not appear. The tenant gave evidence under oath.

Background and Evidence

The tenant says he did not have a working stove for the period September 1, 2009 to October 19, 2009. The tenant says that as barbecues are not allowed on the balconies he was forced to cook his food outside on the ground on his barbecue. The tenant says the landlord did not inform him that a dead body had been discovered in the rental unit prior to his occupancy. The tenant says the bathtub had not been properly sanitized or re-glazed since. The tenant also says there was a rodent infestation and it was necessary for the tenant to purchase rodent traps. In his application the tenant seeks \$200.00 in compensation for these problems.

Findings

The tenant testified that he was served with the Notice to End Tenancy for Cause on October 10, 2009. The tenant filed his Application for Review by October 19, 2009. Therefore the tenant's application for more time to make this application is dismissed as not required.

When a tenant files an application for dispute seeking to cancel a Notice to End Tenancy for Cause the burden of proving cause for the issuance the Notice is upon the landlord. As the landlord has not appeared to prove he has cause, despite having been duly served with the tenant's application, the Notice to End Tenancy is set aside with the effect that this tenancy will continue.

With respect to the tenant's claim for a monetary order in the sum of \$200.00 for compensation for loss, I will rely on the undisputed evidence of the tenant and find that the tenant is entitled to \$200.00 for the loss of quiet enjoyment he has suffered as a result of having no stove and rodents in the rental unit.

As the tenant has been successful in this application I will also allow him to recover the filing fee paid for this application.

Conclusion

The tenant is provided with a formal copy of an order for the total monetary award as set out above. Should the landlord(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

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*.