



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes ERP, RP, O

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for an Order for the landlord to make emergency repairs for health or safety reasons and to make repairs to the unit, site or property.

The tenant served the landlord with a copy of the Application and Notice of Hearing. I find that the landlord was properly served pursuant to s. 89 of the *Act* with notice of this hearing.

Both parties appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, in written form, documentary form, to cross-examine the other party, and make submissions to me. On the basis of the solemnly affirmed evidence presented at the hearing I have determined:

Issues(s) to be Decided

- Is the tenant entitled to an order for the landlord to make emergency repairs to the rental unit?
- What repairs are required to the rental unit, site or property?

Background and Evidence

This tenancy started on November 22, 2009. This is a month to month tenancy and the tenant pays a monthly rent of \$550.00 which is due on the first of each month. This property has three separate suites two are rented to separate tenants and the landlord occupies the other.

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The tenant claims that after she moved into the rental unit she experienced a problem with cockroaches. She testifies that she told the landlord who lives in the upper part of the property that she had seen cockroaches in her unit. The tenant claims the landlord told her that she must have brought them in with her belongings. The landlord told the tenant that he had had the house treated by a pest control company on October 13, 2009. The tenant contacted this company who visited the property again on January 07, 2009 they told her the traps they had set were good for a couple more months and they gave the tenant more traps to put down. The tenant claims the cockroaches are making her sick and seeks an Order for the landlord to have the whole house treated for cockroaches.

The tenant testifies that she was not informed of a pest problem at the property before she moved in and has now taken steps to keep her food in sealed containers and has purchased a lockable garbage bin to stop the cockroaches gaining access to the food and garbage.

The tenant testifies that after she moved in she contacted TELUS to come and hook up her telephone at the rental unit. She claims the TELUS contractor told her that there was a life wire hooked up to the gas meter which was very dangerous and could blow the whole house up. The tenant seeks an Order for the landlord to make repairs to ensure this wire is safe.

The landlord testifies that before this tenant moved in he had another tenant living there who brought the bugs into the house due to their unclean living conditions. The landlord evicted this tenant and she left in the first or second week of October, 2009. The landlord then contacted the pest control company who treated the house for cockroaches. The pest control company found the majority of cockroaches in the other suite and carried out a gas treatment of the area. The put down traps in the rest of the property to deal with the problem. The landlord testifies that he waited for over one month while checking the suites regularly to ensure the cockroaches had been dealt with. He found minimal evidence of them and so re-rented the suites to new tenants.

The landlord claims that when this tenant moved in she did not live in a hygienic manner and did not sweep or vacuum the floors and kept open garbage in the kitchen. He agrees that she now

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has a sealed garbage container. The landlord testifies that he has a year's guarantee with the pest control company and will bring them back to the property to deal with this infestation.

The landlord testifies that the wire from the gas meter is the earth wire and is not live or dangerous. All the properties have this wire and the TELUS man is not an electrician so is not qualified to have told the tenant that it is a live wire. The property is only two years old and has been inspected for safety purposes including an electrical safety inspection before it was passed off for occupancy.

Analysis

I have carefully considered all the evidence before me, including the affirmed evidence of both parties. I find that the landlord did not inform the tenant that there had been an infestation of cockroaches prior to her tenancy starting. However, I do find that the landlord did take the necessary steps to deal with the problem before re-renting the rental unit again. I find that the problem with the cockroaches has returned and the tenant has them in her rental unit.

Therefore, it is my decision that the landlord must take the necessary steps to deal with this issue again. As cockroaches are notoriously difficult to kill I cannot put a time frame on this Order to eradicate the cockroaches. However, I do Order the landlord to contact the pest control company within one week of receiving this decision to take whatever steps are required to deal with this pest problem.

With regard to the tenants claim that there is a live wire attached to the gas meter at the property, I find the tenant has not provided any evidence to support her claim that this is a live wire. Although the tenant was told by a TELUS contractor that this is a live wire she has no evidence to support this theory. I find in this instance that I prefer the landlords' evidence that this is the wire that grounds the meter and the house was inspected for safety within the last two years before it was passed off for occupancy. Therefore, this section of the tenants claim is dismissed.



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Conclusion

I HEREBY find in partial favour of the tenants application for an order for the landlord to make emergency repairs for health or safety reasons. **I ORDER the landlord** to carry out further treatment of the whole property with the pest control company within one week of receiving this decision.

The remainder of the tenants' application is dismissed with leave to reapply.

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: January 29, 2010.

Dispute Resolution Officer