



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties 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 is a request to have a section 47 Notice to End Tenancy cancelled and a request that the respondent's bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

Background and Evidence

The landlords testified that:

- The tenant has caused extensive damage to the rental unit by spraying a bleach substance on all surfaces.
- They have had an estimate to repair the damage and it exceeds a \$17,000.
- They had a hearing back in 2009 and at that time the tenant admitted to causing the damage and stated that she would no longer use the bleach substance however she has continue to use the bleach substance and now the damage is far worse than it was last year.
- Since the tenant continues to cause damage to the rental unit they felt they had no option other than to end her tenancy.

The tenant testified that:

- She understands that there is damage to the rental unit however she has not been using a bleach substance over the past year.
- The only reason there is further damage this year is because she had an accidental bleach spill.
- She thinks the landlords just want her out so they can increase the rent.

The tenant is therefore requesting that the Notice to End Tenancy be set aside.

Analysis

It is my finding that the tenant has caused extraordinary damage to this rental unit, and although a hearing was held on the same matter last year, is my finding that the damage has continued and is now far worse.

It's very obvious from the evidence presented it is going to take an extensive amount of time and expense to repair this rental unit, and I reject the tenants claim that this is being done just to raise the rent.

Therefore I am not willing to cancel the Notice to End Tenancy and this tenancy will therefore end.

Conclusion

The tenant's application is dismissed in full without leave to reapply and I am issued an Order of Possession to the landlords for 1:00 p.m. on September 30, 2010.

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: September 09, 2010.

Dispute Resolution Officer