



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MND, MNSD, MNDC, OLC, FF

Introduction

This hearing dealt with applications filed by both the landlord and the tenant. The tenant seeks:

1. A monetary order pursuant to Section 67;
2. Recovery of the security deposit;
3. An Order that the landlord comply with the Act

The landlord seeks:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55; and
3. An Order to recover the filing fee pursuant to Section 72.

Both parties were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Background and Findings

Order of Possession

I find that the landlord is entitled to an Order for Possession. The tenant admits that he has not paid rent for November or December. The landlord will be issued an Order of Possession effective 2 days after posting.

Monetary Order

For Tenant – Damages

The tenant claims the sum of \$1,500.00. He says the landlord is charging an additional sum for bed-bug removal. Further that he has lost his quiet enjoyment as a result of the bed-bug infestation.

The landlord testified that the tenant moved into the rental unit and he brought the bed bugs with him. The landlord says the rental unit has been treated and he is seeking the cost of treatment from the tenant.

I find that the tenant has supplied insufficient evidence to show that the landlord was wilfully negligent in bringing the bed bugs into the rental unit or that he was not attending to the bed bug infestation problem. I do not find it appropriate that the landlord charge the tenant for the bed bug treatment as he has not proven the tenant brought the bed bugs into the rental unit. However, I also do not find that the tenant has shown that the landlord has been wilfully negligent in causing the infestation. The tenant's claim for \$1,500.00 is therefore dismissed. The landlord's claim for \$206.20 for bed bug treatment is also dismissed.

The landlord has also claimed \$110.00 that he says he loaned to the tenant for groceries. I have no jurisdiction to decide this issue.

For landlord - Rental Arrears

I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$880.00 for November's rent as the landlord says he is willing to forgive December's rent, due today, if the tenant vacates forthwith.

The landlord also seeks a \$20.00 late rental payment fees. I decline to award this sum as the landlord has not proven that the tenant agreed to pay late rental payment fees.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Rental Arrears	\$880.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$930.00

Conclusion

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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