



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes AAT, FF, MNDC, OLC, PSF, RP

Introduction

Some documentary evidence, photo evidence, and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on November 9, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$425.00

Background and Evidence

The applicant testified that:

- He paid rent of \$400.00 to the landlord and moved into the rental unit October 29, 2010.
- Upon moving in he discovered that the rental unit was infested by insects and mice and as a result of the numerous insect bites he received and his health concerns he has been unable to live in the rental unit.
- This is forced them to sleep in restaurants, friend's houses, and even on the street.

- He has been unable to rent a new place to live because the landlord refuses to return his rent.

The applicant is therefore requesting the return of the full rent a \$400.00, and is also asking for \$25.00 to cover his costs of transportation, and advertising to attempt to find a new tenant.

Analysis

Is my decision that the tenant has shown that this rental unit was in no condition to be rented out. The tenant has supplied photo evidence of the numerous bites he received in the rental unit and of the mice in the rental unit.

Section 32 of the residential tenancy act states:

32 (1) A landlord must provide and maintain residential property in a state of decoration and repair that

(a) complies with the health, safety and housing standards required by law, and

(b) having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

In this case it is my finding that the landlord has failed to provide a rental unit that is suitable for occupation and therefore I allow the tenants claim for the return of all rent paid.

I also allow the tenants claim for \$25.00 for extra costs that have resulted due to the landlord's breach of the requirement to provide a suitable rental unit.



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I further order that the landlord bear the \$50.00 cost of the filing fee that the tenant paid for his application for dispute resolution

Conclusion

I have issued an order for the landlord to pay \$475.00 to the tenant.

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: December 01, 2010.

Dispute Resolution Officer