

DECISION

Dispute Codes: CNR and RP

Introduction

By application received December 6, 2010, the tenant seeks to have set aside a Notice to End Tenancy for unpaid rent served on December 3, 2010 and orders for repairs, specifically treatment for flea and mice problems.

At the commencement of the hearing, the parties confirmed that the rent had been paid and that was no longer at issue.

Issues to be Decided

This matter now requires a decision on whether the issuance of orders for treatment of the flea and mice problems is warranted.

Background and Evidence

This tenancy began on October 15, 2010 and rent is \$635 per month.

During the hearing, the tenant gave evidence that the rental unit is currently subject to a flea infestation and there are mice in the rental unit.

The landlord stated that he had not been aware of a problem with mice and that he would inspect the rental unit to plug any holes and set traps.

As to the flea infestation, the parties concurred that the landlord had allowed the tenant a \$100 rent abatement for one month. The tenant stated that it was to treat a pre existing flea problem, though the landlord stated he had simply wanted to assist the tenant who was having a cash flow problem at the time.

The landlord stated that the flea problem had resulted after another tenant in the building who had two dogs, which he acknowledged had fleas, had vacated. Despite having been told to discard a couch, he had apparently given it to the applicant tenant causing or exacerbating the present flea infestation. The applicant tenant has no pets.

The tenant stated that he had used approximately \$65 of the rent abatement to treat the flea problem but the effect had been only temporary.

Analysis

While I can appreciate that the tenant who is attending school would have welcomed the donated couch, I find that in accepting it, he contributed to the current flea problem. Therefore, I find that it not appropriate for me to issue an order at this time requiring the landlord to arrange for treatment.

The tenant has agreed to undertake further efforts to rid the rental unit of the fleas and I have strongly suggested he do some research toward finding more effective treatment methods.

I fully accept the landlord's promise to attend the rental unit and take reasonable measures to assess and treat the problem with mice.

Conclusion

The Notice to End Tenancy has been extinguished by payment of the outstanding rent, the landlord has promised to deal with the mice and the tenant will make further, informed efforts to eradicate the flea problem.

Therefore, I find this matter has been settled through the cooperation of the parties.

December 30, 2010