



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, MNDC, FF

Introduction

This hearing was convened upon applications being filed by both the tenant and the landlord.

The tenant's application filed September 16, 2010 seeks:

1. A monetary order for compensation for damage or loss.

The landlord's application filed December 3, 2010 sees:

1. A monetary order for unpaid rent;
2. A monetary order for compensation for damage or loss; and
3. Recovery of the filing fee paid for this application.

Issue(s) to be Decided

Whether either party is entitled to the orders sought.

Background and Evidence

The tenant's claim is for furnishings he says were destroyed as a result of a bed bug infestation at the rental unit and he is also seeking costs of having to move. Although the tenant seeks a total of \$4,000.00 in his application he documents the individual sums of his claim as follows:

| | |
|--------------|-------------------|
| Bed | \$1,600.00 |
| Sofa | 1,000.00 |
| Chair | 500.00 |
| Moving Costs | 200.00 |
| Total | \$3,300.00 |

The tenant says the landlord knew there were bed bugs in the building but they did not warn him about them.

The landlord testified that this tenancy ended by way of an Order of Possession being issued by the Residential Tenancy Branch for unpaid rent following a hearing held on September 10, 2010. The landlord also received a monetary award for rent for July, August and September 2010 each in the sum of \$745.00 plus recovery of the filing fee.

The landlord testified that the tenant was served with the Order of Possession on September 10, 2010 by posting the Notice to the rental unit door. The Order was to take effect 2 days after service. The landlord presented a Certificate of Service and notes that a witness signed to say that he saw the Order posted on the rental unit door on that date.

The landlord testified that the tenant did not vacate the premises in accordance with the Order of Possession and the landlord attended the Supreme Court of British Columbia to obtain a Writ of Possession. The landlord submits that the tenant never returned the keys and she was forced to have the locks changed in addition to the other expenses. The landlord is also seeking recovery of rent for October rent 2010 because the tenant did not vacate the rental unit and the landlord was unable to re-rent it for that month because she was forced to take enforcement proceedings. The landlord seeks the following costs:

| | |
|---|------------------|
| Law Courts fees to enforce Order of Possession | \$141.00 |
| Envoy Court Bailiffs Service to execute Write of Possession | 628.37 |
| We Haul Cheap Ltd. Moving – packing and moving goods | 402.64 |
| U-Haul – Storing tenant's goods | 246.74 |
| Acme Safe Ltd – rekey locks | 96.39 |
| October's rent | 745.00 |
| Total | \$2260.14 |

With respect to the tenant's claim for damages for loss of furnishings, etc., that he alleges was due to a bed bug infestation in the rental unit. The landlord testified that, for prevention purposes, all new tenants are supplied with full mattress and box spring cases upon move-in and regular professional inspections are performed. The landlord submitted reports from Orkin Pest Control stating that there was no evidence of bed bug activity found in the rental unit On August 4, 2010.

Analysis

If find that that the tenant has failed to prove that there were bedbugs in the rental unit or that his good were damaged by the landlord. I therefore dismiss his claims for the costs of replacing his furniture which he says was damaged due to bed bugs.

I find that the landlord has shown that despite the issuance of an Order of Possession the tenant failed to comply with the Order and the landlord was forced to incur further expense to remove the tenant and his goods from the rental unit. The landlord has provided detailed invoices with respect to the costs incurred and I will allow the landlord's claim in the sum of \$2,260.14 which includes October's rent due to the tenant having over-held in the rental unit into that month.

Conclusion

The tenant's applications are dismissed. The landlord is provided with a monetary award in the sum of \$2,310.14 which sum includes the \$50.00 filing fee the tenant has paid for this application.

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*.
