



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes: MNDC, FF

### Introduction

This hearing was convened in response to an application filed by the tenant seeking a monetary order for compensation for damage or loss in the sum of \$800.00 and recovery of the filing fee.

Both parties attended and gave evidence under oath.

### Issue(s) to be Decided

Is the tenant entitled to the monetary order sought?

### Background and Evidence

The tenant testified that 7 months ago his cousin began living with him and she showed him that she had red marks on her body. The tenant testified that his wife came to live with him on September 6, 2010 and several days later she discovered red marks on her body. The tenant submits that next time he will take pictures of the red marks.

The tenant testified that a previous manager moved a family of 6 people into a one bedroom suite. The tenant submits that it is illegal for 6 people to live in 1 bedroom in Canada. The tenant testified that one of the tenants is in a wheelchair and she knocks on the drywall and she is crying. The tenant says there were complaints about the family so the landlord moved the family into suite 105 which is right next door to his suite. The tenant says there are strong odours from the suite and the woman in the wheelchair now bangs on his wall.

The tenant testified that he is from China and he does not know what a bedbug looks like because they do not have bedbugs in China. The tenant says he did not know who to complain to so he has been telling SV (the advocate/agent) about the problem. The tenant testified at first that he had never reported the matter to the landlord, then, upon prompting by his advocate reminding him that he had called 5 times, the tenant testified that he had called the building manager approximately 5 times. The tenant testified that

the neighbourhood is very dirty and that his wife must clear up the garbage because the landlord does not do so. The tenant says he has claimed \$800.00 in compensation because it is his right to do so.

The tenant's witness BD testified that on September 16, 2010 he sent an email to the landlord to advise them that this tenant and others had a bedbug problem. BD testified that the landlord's response was to question why he was involved in the matter.

The landlord DM testified that he has received no bedbug reports from this tenant and if there are bedbugs he will send pest control services right away. DM testified that this unit as well as all other units were treated in April 2010 and if this tenant has bedbugs in his suite he must advise the landlord and he can do so by calling the landlord or by knocking on DM's door at suite 115.

### Analysis

The tenant claims that both his cousin and his wife developed red marks on their bodies shortly after moving into the rental unit. The tenant did not give testimony or other evidence to show what caused the red marks. The tenant testified that he has never seen a bedbug because he is from China where they do not have bedbugs. The tenant says he believes he has bedbugs in his suite. Despite the red marks on the bodies of his cousin and his wife and despite his belief there may be bedbugs in his suite, he testified that he has not reported the problem to the landlord. The tenant testified that he did not know who to report the problem to. The building manager testified that he lives in the building in Suite 115 and the tenant need only knock on his door. The tenant maintained that he did not know how to report the matter to management but he did report the problem to SV, the person attending this hearing as the tenant's agent/advocate. The tenant later changed his testimony but only when prompted to do so by his advocate who reminded him that he did call the building manager about the problem several times, upon this prompt the tenant responded "yes". The landlord responded that she has no record of such calls. Given that this new testimony arose in response to a leading question posed by the advocate, I prefer the tenant's original testimony which I found to be clear and consistent. That testimony was that he did not report the bedbugs to the building manager.

However, there was additional testimony from a witness, BD, who says he reported this tenant's bedbug problem to the landlord in an email. Again the landlord responded that she does not recall such an email and no such email was presented in evidence. I therefore remain satisfied with the tenant's own original testimony that is that he did not report a bedbug problem to the landlord.

Based on the tenant's own testimony that he did not report a bedbug problem to the landlord, I find it is reasonable and probable to conclude that he did not do so because he did not have bedbugs. In the alternative, if he did have bedbugs I find that he did not report them to the landlord who could have taken steps to deal with the problem. In spite of the lack of evidence to prove there were/are bedbugs the tenant's advocate argued that the Dispute Resolution Officer must find that this tenant's suite has bedbugs because this Dispute Resolution Officer had heard other recent applications involving tenants from this building who are also claiming compensation for loss due to bedbugs. However, each case is decided on its own merits and it is up to this tenant to supply sufficient evidence to support his claim. I will not use evidence from other applications to do that for him.

I find that the tenant has failed to prove he had bedbugs which caused a loss of quiet enjoyment. Further if the tenant did suffer a loss of quiet enjoyment as a result of bedbugs it was as a result of his own inaction in not reporting the matter to the landlord. In the end, I find that the tenant has not met the burden of proving that there were bedbugs or that he suffered a loss of quiet enjoyment as a result of which he should be compensated.

### Conclusion

The tenant's application is dismissed.