



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FF, MNDC

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$50.00, a request for the landlord to make emergency repairs to deal with some pigeons nesting above the tenant's patio and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- There are pigeons that have been nesting above her patio and there is ongoing problem with pigeon droppings all over her patio.
- She has asked the landlord numerous times to deal with the problem however until just recently he has not done so.
- She had to go and buy some wire herself to try and block access to the pigeons however they still have access from the adjoining patio.
- The landlord has recently taken action to work on the problem however it is not yet completely rectified.

The respondent testified that:

- He does not dispute any of the tenant's claims and in fact the work will be completed by tomorrow to block access to the pigeons, to the attic area.
- Once the pigeons no longer have access to the area above the tenant's patio they will do whatever power washing necessary to ensure that the patio is safe and sanitary.
- They do not dispute the monetary claim at all either and in fact have already paid the tenant \$50.00 to cover her costs and they are certainly willing to pay another \$50.00 to cover the filing fee.

Analysis

Based on the evidence presented by both the landlord and the tenant I am convinced that the landlord is now taking steps to rectify the problem with the pigeons and therefore I will not issue any order as I accept the landlord's testimony that the problem will be resolved by tomorrow.

Further since the landlords have already paid \$50.00 to the tenant to cover her costs and are willing to cover the cost of the filing fee of \$50.00 I will be issuing an order for the \$50.00.

Conclusion

I will not issue any repair order at this time however I order that the landlord pay \$50.00 to the tenant to cover the cost of the filing fee.

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: June 06, 2011.

Residential Tenancy Branch