



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for a monetary order for compensation for loss under the Act.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Issue(s) to be Decided

Is the tenant entitled to a monetary order for compensation under the Act?

Background and Evidence

The tenancy began on April, 1, 2012. Rent in the amount of \$525.00 was payable on the first of each month. A security deposit of \$262.00 was paid by the tenant. The tenancy ended on April 30, 2012.

The tenant testified that she is seeking compensation for furniture that she disposed of due to what she believed to be bedbugs in the rental unit. The tenant stated the landlord told her they were lice after the fact; however, she determined they were bedbugs by looking on the internet.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

To prove a loss and have one party pay for the loss requires the other party to prove four different elements:

- Proof that the damage or loss exists;
- Proof that the damage or loss occurred due to the actions or neglect of the Respondent in violation of the Act or agreement;

- Proof of the actual amount required to compensate for the claimed loss or to repair the damage; and

The tenant has the burden of proof to prove a violation of the Act and a corresponding loss.

In this case, I find the tenant has proved insufficient evidence to support her claim. There are no reports filed from any professional pest control company to prove she had bedbugs in her rental unit and that the infestation was so great that it required her to dispose of her furniture. The evidence of the tenant was that she determined they were bedbugs by researching the internet. Therefore, the tenant's application is dismissed.

Conclusion

The tenant's application is dismissed.

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: July 20, 2012.

Residential Tenancy Branch