



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF, O

### 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 an application to cancel Notice to End Tenancy that was given for cause, and request for recovery of the \$50.00 filing fee.

### Background and Evidence

The landlord testified that:

- The tenant has a significant amount of combustibles in her rental unit and she refuses, or is unable to remove them.
- The tenant also has rotting food in her unit that has caused a bug infestation.
- They had pest-control professionals come in and it has been confirmed that there is an infestation of bedbugs, cockroaches, and fruit flies.
- The fire marshal inspected the unit and has ordered that the unit be cleaned out and that the number of combustibles be reduced, however the tenant has failed to make any significant improvement.
- Assistance has been offered to the tenant to remove items from her rental unit however she still refuses to allow anybody to do so.
- There is also an odour coming from the rental unit, due to the rotting food, and they are getting complaints from other tenants.

- They have tried to work with the tenant and have given her a significant amount of time to try and rectify the problem but she seems to be unable or unwilling to do so.
- They are therefore requesting that the Notice to End Tenancy be upheld and that an Order of Possession be issued for September 30, 2012 to give the tenant reasonable time to find alternate accommodation.

The tenant testified that:

- She does have a large number of combustibles in her rental unit, however she has been working hard to try and reduce the amount.
- She got a visit from the fire marshal, and even the fire marshal understood that it would take some time for her to clean out this rental unit.
- She got some assistance to remove a number of boxes of items however the landlord acts as if nothing has been done and is still not satisfied.
- She does not leave rotting food around; she has a home care worker who comes in daily and takes any food that is rotting to the garbage.
- She tries to keep bedbugs away however she has no control over it, she does not invite the bedbugs or cockroaches or fruit flies into her unit.
- She wants to stay in her rental unit where she has been for so long.

### Analysis

It is my finding that the landlords have shown that the tenant is keeping this rental unit in an unreasonable and unhealthy condition, and the condition of the unit seriously jeopardizes the health and safety of the other occupants of this rental property and puts the property at significant risk.

There is an insect infestation which it is likely to spread to other units if this tenancy is allowed to continue, because the rental unit is in such poor condition it is impossible to eradicate the infestations in this rental unit.

Further the extensive amount of combustible material that this tenant continues to collect and store poses a serious fire hazard that could threaten the lives of not only the tenant herself, but of other occupants of the rental property.

The tenant claims that she is making attempts to reduce the amount of combustibles in a rental unit however it would appear that she is unable to make any significant change.

Therefore it is my decision that I will not cancel the Notice to End Tenancy for this rental unit, and at the request of the landlords I will be issuing an Order of Possession.

Conclusion

This application is dismissed without leave to reapply and I have issued an Order of Possession to the landlords for 1 p.m. on September 30, 2012.

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 30, 2012.

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Residential Tenancy Branch