



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding B.C. Housing
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP, MNDC, O, RP

Introduction

This hearing dealt with an application by the tenant seeking a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, an order to make emergency repairs for health or safety reasons, and an order to make repairs to the unit, site or property. Both parties participated in the conference call hearing.

Issue to be Decided

Is the tenant entitled to any of the above under the Act, regulation or tenancy agreement?

Background, Evidence and Analysis

The tenant gave the following testimony:

The tenant stated that the landlords have sprayed his suite for bedbugs at least 50 times in the last year. The tenant stated that due to the spraying his medical condition has been aggravated and that his health is deteriorating. The tenant stated that his unit is full of bedbugs and that he's had to throw out seven mattresses, countless blankets, many of his clothes and much of his furniture. The tenant stated that he wants \$5000.00 for compensation for all the pain and suffering he has endured as well he wants his baseboards cleaned and the unit painted.

The landlords' agent was fully instructed and submitted the following:

The agent stated that the landlord was addressing issues in a quick and timely manner and in accordance with the Act. The agent disputed and challenged the tenants' position. The agent stated that the matter should be dismissed as the tenant has not provided any documentary evidence.

Analysis

When a party makes a claim for damage or loss the burden of proof lies with the applicant to establish their claim. To prove a loss the applicant must satisfy the following four elements:

1. Proof that the damage or loss exists,
2. Proof that the damage or loss occurred due to the actions or neglect of the other party in violation of the Act, Regulation or tenancy agreement,
3. Proof of the actual amount required to compensate for the claimed loss or to repair the damage, and
4. Proof that the applicant followed section 7(2) of the Act by taking steps to mitigate or minimize the loss or damage being claimed.

The tenant did not submit any documentary evidence for consideration, however the tenants' testimony was considered when making a decision. The tenant has not satisfied me of any of the above grounds as required. The landlord provided extensive disputing documentation. Based on all of the above and on the balance of probabilities I must dismiss the tenant's application in its entirety.

Conclusion

The tenants' 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: December 17, 2013

Residential Tenancy Branch

