



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RAINIER HOLDINGS LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes** MNDC, FF

### **Introduction**

This was an application by the tenant for a monetary order equivalent to 3 month's rent and 3 days' pay for the landlord's alleged non-compliance with previous orders related to the treatment for bedbugs.

Both parties participated in the hearing with their submissions, document evidence and testimony during the hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

### **Issue(s) to be Decided**

Is the tenant entitled to a monetary order in the amount claimed?

### **Background and Evidence**

It must be noted that this tenancy has been involved in 2 hearings in the past year related to issues of bedbugs. The tenancy continues. Two (2) months after the last Decision related to this tenancy in July 22, 2013 the tenant filed for additional compensation beyond the abatement of rent to the end of 2013. The record indicates that the tenant has not been required to pay rent since March 2013. The tenant testified that the last time they saw any bedbugs was in early October 2013, when they gathered 3 dead bedbugs; and, that they have not experienced nor seen any evidence of bedbugs since that time and do not experience bedbugs today. The landlord testified that they have made significant inroads to eradicating any bedbug presence and that the tenant is benefiting from their efforts today. None the less, the last Decision ordered that the tenant was authorized to withhold rent into 2014 until such time that the landlord filed for dispute resolution and proved they had complied with the prescribed orders made in March and July of 2013.

## **Analysis**

The Decision of July 2013 states as follows.

*Until the landlord has fully complied with the orders and directives of the Arbitrator contained in the March 5, 2013 Decision, I grant the tenant a continuing rent abatement of \$780 per month, beginning in January 2014, forward. I further authorize the tenant to withhold his monthly rent payment of \$780 until the landlord has filed an application for dispute to prove to the Residential Tenancy Branch that it has complied with this Decision and the Decision of March 5, 2013, and be granted an order restoring the tenant's monthly rent of \$780.*

*When the tenant is withholding his monthly rent as directed above, the landlord is to consider that rent for these months is paid in full.*

I find that the tenant has not presented relevant evidence to justify further compensation at this time, but that the tenant is already authorized to receive additional compensation by way of rent abatement into 2014, until such time as the landlord makes their own application in to again receive rent. The landlord is aware of this requirement. I find the tenant's current application is unnecessary to advance a claim for compensation as the previous order enabling compensation remains in effect. As a result of all the above, I **dismiss** the tenant's application in its entirety.

## **Conclusion**

The tenant's claim **is dismissed**.

**This Decision is final and binding on both parties**

*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 16, 2013

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Residential Tenancy Branch