



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Hollyburn Estates Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

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### Introduction

This is an application filed by the landlord for an emergency end to the tenancy and to obtain an order of possession.

The landlord attended the hearing by conference call and gave undisputed evidence. The tenant did not attend or submit any documentary evidence. The landlord states that the tenant was served with the notice of hearing package and the submitted documentary evidence in person on July 4, 2014 with a witness. The landlord has provided a copy of a proof of service document as confirmation. As such, I am satisfied that both parties have been properly served with the notice of hearing and documentary evidence.

### Issue(s) to be Decided

Is the landlord entitled to an early end to the tenancy and an order of possession?

### Background and Evidence

This tenancy began on June 1, 2002 on a fixed term tenancy for 12 months and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement dated June 1, 2002. The monthly rent is \$1,315.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$657.50 was paid on May 28, 2002.

The landlord states that it was discovered by a Pest Control Technician on June 3, 2014 that the tenant had a severe infestation of bedbugs in his unit. The technician advised the tenant to bag and securely seal all of the contents of the rental unit and to dispose of them as the infestation is so severe the tenants personal belongings were not salvageable. The tenant removed 6 mattresses from the unit bringing them through the building hallways and down the elevator to the loading bay completely unsealed. The

landlord states that the bedbugs have spread throughout the building in the walls requiring extensive pest control services. The landlord states that the Pest Control Technician estimates that over 100,000 bedbugs are present in the unit and surrounding walls at the rental property. The landlord states that the tenant has never informed them of the pest control problem. The landlord has provided copies of photographs of the found bedbugs and the numerous pest control invoices detailing the infestation and work performed to date. The landlord states that ongoing pest control continues to try and remediate the issue.

### Analysis

I accept the undisputed evidence of the landlord and find that a claim has been established pursuant to section 56 of the Act. The tenant has put the landlord's property at significant risk by not reporting the infestation of bedbugs in the rental unit. The tenant also failed to comply with the pest control technician and jeopardized the health or safety of other occupants of the rental property by not bagging and sealing his personal property before moving them through the building for disposal. The landlord is granted an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

### Conclusion

The landlord is granted an early end to the tenancy and an order of possession.

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 16, 2014

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Residential Tenancy Branch

