



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

2nd INTERIM DECISION

Dispute Codes ERP, RP, MNDC, O, FF

Introduction

The parties filed cross applications that were originally set for hearing on June 25, 2014. During that hearing time service issues and repairs that the tenant's identified as being urgent were addressed. Due to time constraints, the hearing was adjourned and I issued an Interim Decision on June 26, 2014 that should be read in conjunction with this decision.

On September 10, 2014 the hearing reconvened. Both parties attended the reconvened hearing. The majority of the hearing time set aside on September 10, 2014 was spent negotiating a settlement agreement that included a mutual agreement to end tenancy and compensation for the tenants. The negotiations were ultimately unsuccessful and as a result the tenancy remains in effect. The balance of the hearing time addressed the status of the repair issues identified by the tenants on June 25, 2014 as being urgent. The hearing was adjourned again to deal with the remaining issues under dispute.

Below, I have recorded the status and issued further orders with respect to the repairs identified at the original hearing of June 25, 2014.

1. Kitchen faucet: has been repaired and no further action required.
2. Mould in cabinet below kitchen faucet: some cleaning has taken place although some mould is still visible.

Order: Landlord must take sufficient steps to ensure all mould in the kitchen cabinet is effectively removed within two weeks of receiving this decision.

3. Insects: the presence of ants have been confirmed upon inspection by a pest control company and chemical spraying was recommended; however, application of spray has not taken place as preparation information needs to be given to the tenants first.

Spiders have been seen in the unit, along with cobwebs; however, an infestation and necessary treatment has yet to be determined until further action is taken, as recommended by the pest control company.

Orders:

- a. Landlord shall schedule a date for application of chemical spray for ants, as recommended by pest control company, that is within two weeks of receiving this decision.**
- b. Landlord shall obtain chemical spray preparation information from pest control company and serve it upon tenants along with written notice of the date for application of chemical spray. Such information and notice must be posted on the tenants' door no less than four days before the scheduled date for spraying.**
- c. Tenants shall remove existing spider webs from within rental unit within two weeks of receiving this decision and upon completion must notify the landlord of such, in writing.**
- d. Upon notice under part c., the landlord shall inspect rental unit in a timely manner to ensure removal of exiting spider webs.**
- e. Should spider webs return after cleaning, the tenants are to notify the landlord of such, in writing.**
- f. Upon notification from tenants under part e., the landlord shall inspect rental unit in a timely manner to confirm presence of spider webs. If spider webs are present, the landlord must schedule an inspection and appropriate treatment by pest control company without delay and provide the tenants with applicable treatment preparation information, if any, and applicable notification as to the date(s) the pest control company shall be entering their unit.**

Any entry required by the landlord to carry out the orders I have issued above shall require the landlord to give the tenants a written 24 hour notice of entry that complies with sections 29 and 90 of the Act. The interim decision that I issued on June 26, 2014 contains information with respect to the requirements of section 29 and 90 of the Act; however, the parties may also obtain the full version of the Act from the Residential Tenancy Branch website.

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: September 10, 2014

Residential Tenancy Branch

