



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding AWM - Alliance Real Estate Group  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC, ERP, FF

### Introduction

This was a hearing with respect to an application by the tenants. The hearing was conducted by conference call. The named tenant called in and participated in the hearing. The named representative of the landlord attended.

### Issue(s) to be Decided

Is the tenant entitled to a monetary award for costs associated with a bedbug infestation in the rental unit and for loss of quiet enjoyment?

Should the landlord be ordered to take additional steps to address the bedbug problem?

### Background and Evidence

The rental unit is an apartment in North Vancouver. The tenants have applied for a monetary award for damages related to a bedbug infestation in the rental unit. The tenants claimed a monetary award in the amount of \$9,000.00. The application for dispute resolution was filed on July 17, 2014. The tenant submitted documentary evidence in support of their application. It was delivered to the Residential Tenancy Branch on July 30, 2014. The landlord's representative testified that the landlord did not receive copies of the tenants' evidence or the application and Notice of Hearing because it was sent to an address that is not the landlord's business address. The address where the application and Notice of Hearing were sent has not been the landlord's address for several years. I note that the tenant's own documents show that the tenants had the landlord's current address before filing this application because it is stated on several of the documents that the tenants filed in support of this application. The landlord's representative testified that the Notice of Hearing documents were not received until on or about August 12<sup>th</sup> when they were sent by fax and the landlord has not had an opportunity to respond to the tenant's claim. The landlord's representative requested that the tenant's claim be dismissed. He did not object to the claim being dismissed with leave to reapply.

Analysis and conclusion

The *Residential Tenancy Act* requires that the landlord be served with an application for dispute resolution by leaving a copy with an agent of the landlord, or by sending a copy by registered mail address where the landlord carries on business. Because the application was not served in the manner required by section 89 (1) of the *Residential Tenancy Act*, this application is dismissed with leave to reapply.

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 18, 2014

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Residential Tenancy Branch

