



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OLC

Introduction

This hearing was convened in response to an application by the tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

- an Order directing the landlord to comply with the *Act* pursuant to section 62 of the *Act*.

Both the landlord and tenant appeared at the hearing. The landlord confirmed receipt of the tenant’s application for dispute resolution and evidentiary package. The landlord is found to have been duly served in accordance with section 88 & 89 of the *Act*.

Issue(s) to be Decided

Should the landlord be directed to comply with the *Act*?

Background and Evidence

The tenant explained that this tenancy began on May 1, 2017. Rent is \$550.00 and the tenant shares the home with numerous other renters who are unknown to him.

The tenant has applied for an Order directing the landlord to comply with the *Act*. The tenant argued that the rental home falls below acceptable health and safety standards and that he faces a daily onslaught of mice and ants each time that he turns the lights and stove on. In addition to mice and ant problems, the tenant said that one bedroom in the home has been condemned by the landlord due to mould issues. The tenant continued by explaining that home fell well short of acceptable health and safety standards due to other issues with excessive noise, debris in the backyard and from an overall lack of attention being paid to the property. The tenant said that each time he had approached the landlord with his concerns about the property, the tenant was told to “move out if he didn’t like it.”

As part of his evidentiary package, the tenant supplied numerous photos of the property. These photos showed dead mice, a knife stuck in a door, a large amount of debris in the back and side of the home, and a sign warning people that an area of the home was “forbidden premises.”

The landlord provided limited oral submissions to the arguing that the tenant was lying about the state of disrepair.

Analysis

Section 32 of the *Act* states, “A landlord must provide and maintain residential property in a state of decoration and repair that complies with the health, safety and housing standards required by law, and having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.”

Based on the oral testimony of the tenant and the physical evidence submitted to the hearing, I find that the property in question falls below an acceptable state of repairs that complies with the health, safety and housing standards required by law. I accept the tenant’s testimony that the landlord has made little effort to address his concerns and dismiss the landlord’s allegations that the tenant is lying about the state of disrepair. Photographic evidence submitted to the hearing clearly shows numerous items in the home which require significant attention.

Pursuant to section 62 of the *Act*, I order the landlord to have certified and professional pest control personnel attend the property by March 31, 2018. Failure to do so may lead to further applications being brought against his property.

Conclusion

The tenant was successful in his application. The landlord is ordered to have certified and professional pest control personnel attend the property by March 31, 2018.

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: February 15, 2018

Residential Tenancy Branch