



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute codes**      ERP OLC FF

### **Introduction**

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing.

At the outset of the hearing, the parties confirmed that the matter for which this application arose (bed bug infestation) has since been rectified as the landlord had a treatment done on October 29, 2018. A follow-up treatment on November 8, 2018 showed no evidence of bed bugs. The parties were still in dispute as to the filing fee for this application.

### **Issue(s)**

Is the tenant entitled to recover the filing fee for this application?

### **Background and Evidence**

The tenant testified that she first notified the landlord on September 24, 2018 of the infestation. The landlord originally came and did an inspection herself but reported that nothing was seen. The tenant again contacted the landlord on October 5, 2018 after which she was told to contact Orkin directly. Orkin confirmed the infestation and recommended treatment. The tenant advised the landlord of the findings from Orkin on October 9, 2018 but did not hear back other than being notified that the landlord was waiting for confirmation from the head office. The tenant attempted to contact the

landlord again in writing on October 11, 2018. On October 12, 2018 the tenant testified that she was advised that the landlord would not pay for the cost of the treatment and that she would be responsible for the cost. After this the tenant filed this application.

The landlord argues that she should not be responsible for the cost of the filing fee as they took appropriate action soon after being notified of the issue. The landlord submits that the tenant was advised to contact Orkin directly and that any delay was on the part of the tenant.

### **Analysis**

Subsection 32(1) of the Act requires a landlord to 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 the tenant.

The responsibility to maintain a residential property in a state of decoration and repair rests with the landlord which includes insect control. The landlord left it upon the tenant to schedule an appointment and deal with the bed bug infestation on her own. I find the landlord did not take appropriate action in a timely manner after first being notified of the issue on September 24, 2018. I find the tenant had no recourse to file this application and incur the filing fee. As such I award the tenant the filing fee for this application.

### **Conclusion**

The tenant is entitled to a one time reduction from a future rent payment in the amount of \$100.00. 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: November 23, 2018

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Residential Tenancy Branch