



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MND

Introduction

Some documentary evidence has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$305.00, and a request for an order for the respondent to bear the \$50.00 cost of the filing fee that was paid for this application for dispute resolution.

Background and Evidence

The applicant testified that:

- It is his belief that the tenants damaged the plumbing in the bathtub, as the taps were leaking when the tenants vacated.
- He has no evidence that the damages were caused by the tenant, but the plumbing was not leaking at the beginning of a tenancy and was leaking at the end of the tenancy and therefore he believes the tenants must've caused the leak.

The applicant is therefore requesting that the respondent's bear the cost of the repair to the plumbing.

The respondent testified that:

- They did not cause any damage to the plumbing in the bathtub.
- The leak occurred under normal use and they had informed the landlord that the plumbing was leaking, very early on in the tenancy.
- They in no way abused the taps in the bathtub and only used as them in a normal fashion.
- This is an older house and they believe the leaking was just normal wear and tear.

The respondent's therefore requested this application be dismissed.

The applicant stated during the hearing that he also wanted to deal with other damages that he believes were caused by the tenants during the tenancy; however the only thing mentioned on the application is plumbing and therefore that is all I'm willing to deal with.

Analysis

It is my decision that the applicant has not met the burden of proving that the leaking plumbing was caused by any wilful or negligent actions on the part of the tenants.

The burden of proving a claim lies with the applicant and when it is just the applicant's word against that of the respondent that burden of proof is not met.



Dispute Resolution Services

Page: 3

Residential Tenancy Branch
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The landlord has supplied no evidence to show that the leaks were caused by the tenant or that they were anything more than the normal wear and tear, and the tenants deny causing any damage to the plumbing.

Conclusion

This application is dismissed in full without 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: October 19, 2009.

Dispute Resolution Officer