



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution for a monetary order for compensation for damage or loss.

Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary Order for losses under the Act; and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to sections 32, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The tenant submitted the following documents into evidence:

- Confirmation of registered mail to serve the landlord with the Notice of Hearing sent to the landlord on September 1, 2009;
- 2 receipts from a contractor for boiler, fireplace and hot water tank servicing – one dated October 7, 2004 and one dated October 27, 2005 for a total amount of \$391.62;
- A receipt from a locksmith to re-key a mailbox dated October 16, 2003 in the amount of \$70.30; and
- 5 receipts from various hardware stores for grass seed and fertilizer; a towel holder; paint and painting supplies; replacement parts for a garage door.

In his application, the tenant states that the landlord arranged to have the tenants manage her property instead of using a property management company. In his testimony the tenant confirmed this and further stated the landlord was not happy with the property management company she had hired and once letting them go she had the tenants manage the property.

While the tenant provided no evidence of such an arrangement with the landlord absent from the hearing and no written evidence submitted to the hearing there is nothing to dispute the tenant's claim. The tenant also testified that he had received verbal authorization from the landlord for each of the items covered by the receipts submitted.

Analysis

In the absence of any corroborating evidence or any written authorizations I am not able to find that the tenant was authorized to make the purchases for which he has submitted receipts.

However, the Residential Tenancy Policy Guidelines state the landlord is responsible for the inspection and maintenance of furnaces and for cleaning and maintaining fireplace chimneys at appropriate intervals. By extension, hot water tanks that require maintenance are also the responsibility of the landlord. As such, I find the landlord has responsibility for the costs incurred by the tenant for these services in the amount of \$391.62.

Conclusion

I find that the tenant is entitled to monetary compensation pursuant Section 67 and I therefore grant a monetary order in the amount of **\$441.62** comprised of \$391.62 for maintenance and the \$50.00 fee paid by the tenant for this application. This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

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: December 23, 2009.

Dispute Resolution Officer