



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC, OLC, RP

Introduction

Some documentary evidence and written arguments have 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 \$250.00.

Background and Evidence

The applicant testified that:

- They are no longer disputing the Notice to End Tenancy and have virtually vacated the rental unit and therefore the landlords can have an Order of Possession if they wish.
- The fridge in the rental unit had been working fine and they had no problems with it.
- The fridge suddenly and without warning stopped working, and before they noticed the failure, they had lost all the food in the refrigerator.
- They had just recently filled the refrigerator and estimate there to of been approximately \$250.00 in lost food.

The applicants are therefore requesting an order for the landlords to reimburse them \$250.00 to cover the cost of the lost food.

Analysis

It is my decision that the landlords are not liable for the cost of the food that was lost when the fridge broke down, because this loss was not the result of any wilful or negligent actions on the part of the landlord.

The landlords had no way of knowing that the fridge in the rental unit was going to fail, because it had been working fine up until that time.

Landlords can only be held liable for loss such as this if it can be shown that they had some previous knowledge that the fridge was likely to break down or if they had somehow caused the breakdown of the fridge and in this case that is not so.

I do not know if the tenants have tenant insurance, however if they do they might want to see if this loss would be covered under their insurance.

Conclusion

The tenants application is dismissed in full without leave to reapply and I have issued an order possession to the landlords that is enforceable two days after service on the tenants.

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 28, 2010.

Dispute Resolution Officer