



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNR, MNSD, FF

### Introduction

Having heard the evidence of the parties, under affirmation, and having given the parties the opportunity to give their evidence orally and to provide written and documentary evidence, and to cross-examine the other party, and to make submissions to me, I have determined:

### Issues(s) to be Decided

This is a request for a monetary order for \$188.65 and a request for an order to keep a portion of the security deposit towards the claim.

### Background and Evidence

The applicant testified that:

- The tenant left an outstanding utility bill totalling \$80.56.
- When the tenant vacated the following items were found missing:
  - electrical cord
  - gas can
  - garden hose

The applicant is therefore requesting an order as follows:

outstanding utilities	\$80.56
Missing gas can	\$6.71
Missing garden hose	\$40.30
Filing fee	\$50.00



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Total	\$188.65
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The respondent testified that:

- He does not dispute the claim for the outstanding utilities and had attempted to settle the matter with the landlord with no success.
- He inadvertently took the gas can as it was in his truck and therefore he does not dispute that portion of the claim either.
- He disputes the claims for the electrical cord in the garden hose, as both these items were damaged and he did not use either, he used his own electrical cord and garden hose.

## Analysis

The tenant does not dispute the claims for the outstanding utilities or for the gas can and therefore I allow those portions of the claim totalling \$87.27

I will not allow the claims for the electrical cord for the garden hose, as the landlord has provided no evidence in support of these claims, and the tenants testified that he had used his own electrical cord and garden hose at the rental property.

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

I will allow one half the claim for the filing fee as I have only allowed a portion of the landlords claim.

## Conclusion



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I have issued an order for the tenant to pay \$112.27 to the landlord.

I make no order against the security deposit, because neither the landlord nor the tenant has supplied any evidence to show how much of a security deposit was paid.

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 29, 2010.

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Dispute Resolution Officer