



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, RR, FF

### Introduction

A substantial amount of documentary evidence and written arguments 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.

### Issue(s) to be Decided

Whether or not the tenants are paying for services that are supposed to be provided under the tenancy agreement, and whether or not the rent should be reduced and money should be reimbursed to the tenants as a result of the alleged failure to provide services.

### Background and Evidence

#### Tenants arguments

The applicants allege that they are paying the municipality, through their taxes, for services that were to be provided by the landlord under their tenancy agreements.

The applicants further argued that they have been informed by the City of Penticton that although they are called taxes on their property tax notice, they are actually paying for the Sydney to provide garbage, sewer, and recycling services, all of which were to be provided by the landlord.

Applicants are therefore requesting an order for the reimbursement of all monies paid for sewage, garbage, and recycling taxes, and are requesting a future reduction in the rent by the amount they pay yearly for these services on their property taxes.

#### Landlords arguments

Council landlord argued that the applicants have provided no evidence to support their claim that a portion of their property taxes are actually service charges for garbage, sewer, and recycling.

All homeowners are required to pay property taxes yearly, and it is up to the municipality to determine how those taxes are allocated.

It is not reasonable to expect that the landlord should be required to pay a portion of the tenant's property taxes.

Further there is no evidence to show that the tenants have ever been invoiced by the City of Penticton for garbage, sewer, and recycling.

#### Analysis

It is my decision that the applicants have not shown that the portion of their property taxes listed as taxes for garbage, and recycling and sewer are actually a service charge for delivery of those services.

The applicant stated that they have been told by someone at the City of Penticton that these taxes are actually service charges for delivery of those services; however they have provided no evidence in support of that claim and I am not willing to order the reimbursement of funds or the reduction of rent in the absence of any evidence that these monies were or are being paid for garbage, recycling, or sewer services.

The property tax statements state that these are taxes, and it is not reasonable to expect that the landlord would pay a portion of the tenant's property taxes.

Further I do not believe that I have the authority to order that the landlord reimburse the tenants for a portion of their property taxes, and were I to do so could open another can of worms with regards to the homeowners grants and whether the landlord would then have the right to portion of those grants.

### Conclusion

These applications are therefore all 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: July 12, 2011.

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Residential Tenancy Branch