



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF MNDC RP RPP

### Introduction

This hearing dealt with an application by the tenant for a monetary order. The tenant originally requested orders for repairs and return of personal property but these were withdrawn by the tenant at the hearing as no longer being relevant. The tenant also requested recovery of the filing fee. Both parties attended the hearing and had an opportunity to be heard.

### Issue(s) to be Decided

Is the tenant entitled to the requested order?

### Background and Evidence

This tenancy began on April 15, 2011 and is coming to an end on October 31, 2011. The rental unit is a detached home. The home has a basement suite which was sometimes used by the landlord. The tenants were responsible for paying the utilities for the whole house which included the basement suite. The landlord stayed in the basement suite for approximately 18 days in July and reimbursed the tenants for the utilities she used at a rate of \$5.00 per day for a total payment of \$90.00. The tenant claims that someone else stayed in the basement suite in August and that it was for approximately 13 days in total. The tenant could not provide precise dates. The landlord disputed this allegation.

### Analysis

The tenant has made a monetary claim of \$80.00 for the cost of 13 days of utilities for other users in August. The landlord disputed this claim.

As a general principle, when making a claim of this nature, the claimant bears the burden of proving the claim both as to liability and quantum. In other words the claimant

has to prove the respondent is liable for the loss and then, having proved that, must prove the value of that loss.

In the present case, I am not satisfied that the tenant has met this burden. The tenant was unable to tell me what dates the other people were residing in the basement suite which I would have thought would be the minimal information I would require to grant this claim.

### Conclusion

I dismiss the tenant's application.

I dismiss the tenant's request to recover the filing fee.

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*.