



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC

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

This is a request for a monetary order for \$290.00 and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicants testified that:

- On January 24, 2012 the hot water tank stopped working and they discovered there was a gas smell by the hot water tank.
- They called the gas company and the gas company tagged the hot water tank and turned off the gas to the hot water tank.
- As a result of having inhaled the gas fumes they had to go to the hospital with their child as the fumes that made them sick.

- When they got their next gas bill, dated February 6, 2012, they found an enormous increase in gas usage and their gas bill was approximately \$290.00 more than their normal average gas bill.
- They believe this increase was a result of gas leaking from the faulty hot water tank, as they have no idea how long the water tank had been faulty and how long gas may have been leaking.
- They therefore believe that the landlords should pay the extra \$290.00.

The respondents testified that:

- They do not believe it's possible for \$290.00 worth of gas to leaked out of the hot water tank in the short period of time from when it stopped working until the leak was discovered.
- They believed the increased gas usage was because the tenants were heating the house solely with gas, rather than using the electric baseboard heaters in the rental unit.
- The reason that the tenants got a sudden spike in their gas invoice was because the previous gas reading had only been estimated, whereas the new gas reading was an actual reading that showed the large amount of gas that the tenants had been using during the winter months.
- They have been told by a gas fitter that it would be impossible for \$290.00 worth of gas to have leaked out without the tenants having noticed.

Analysis

It is my finding that the tenants have not met the burden of proving that the large increase in their gas consumption was due to a leak in the hot water tank at the rental premises.

First of all I find it very hard to believe that \$290.00 worth of gas could have leaked out of a hot water tank without the tenants noticing, as gas gives off a very pungent rotten egg smell.

Secondly the two invoices provided by the tenants for today's hearing show that, as stated by the landlords, the previous reading had only been estimated and therefore it's quite possible that the tenants had been using quite a bit more gas than the gas company estimated. Therefore since the next reading was an actual reading it was only at that time that the larger gas consumption would have shown up.

The applicants have not provided any previous gas bills to show how long the gas company had been estimating gas usage prior to taking an actual reading, and therefore I have no way of knowing whether the gas usage had been increasing over a number of months.

I find it more likely that the high gas consumption was due to increased usage in the cold winter months, which was not discovered until an actual reading was taken.

Conclusion

This application is dismissed 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: May 14, 2012.

Residential Tenancy Branch