



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary order. The hearing was conducted by conference call. The landlord and the tenants called in and participated in the hearing.

Issue(s) to be Decided

Is the landlord entitled to a monetary award for the cost of a plumbing repair?

Background and Evidence

The rental unit is a basement suite in the landlord's house in Burnaby. The tenancy began in December, 2012. The landlord testified that the sewer system uses a sump pump and it is easily clogged; he said that he warned the tenants at the start of the tenancy not to flush any foreign materials down the toilet.

On April 29, 2013 the toilet in the rental unit backed up. It was necessary to call a plumber to fix the problem. The plumber ascertained that the sewer sump pump was clogged with feminine hygiene products that had been flushed down the toilet. The landlord submitted that the tenants caused the plumbing problem and therefore should pay the plumbing bill in the amount of \$27290 plus the filing fee for this application

The tenants acknowledged that the landlord instructed them not to dispose of "foreign objects" in the toilet, but they did not interpret that to include tampons that are specifically noted on the packaging to be "flushable". The tenants did not consider them to be foreign objects as described by the landlord, but instead regarded them as normal flushable waste. Since the incident the tenants have ceased to flush tampons and there has been no recurrence of the plumbing problem. The tenants agreed that they will not in future flush feminine hygiene products.

Analysis and Conclusion

I find that the landlord's verbal instructions to the tenants at the beginning of the tenancy were not explicit enough to put them on notice that tampons would clog the plumbing system. I therefore deny the landlord's application to recover the amount of the plumbing invoice. The tenants are now on notice not to dispose of tampons in the toilet.

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 31, 2013

Residential Tenancy Branch