



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This is an application filed by the Tenant for a monetary order for money owed or compensation for damage or loss, an order for the Landlord to comply with the Act and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the Tenant's notice of hearing package and the submitted documentary evidence of the other party, I am satisfied that both parties have been properly served.

During the hearing, both parties confirmed that the Tenancy ended and that the Tenant's moved out of the rental unit on July 31, 2013. As such, the Tenant's request that the Landlord comply with the Act is dismissed.

Issue(s) to be Decided

Is the Tenant entitled to a monetary order?

Background and Evidence

The Tenants seek a monetary order for \$600.00 for the loss of water for approximately 1 month. The Tenants state that they had to buy at least 6 cases of bottled water. The Landlord disputes this claim that there were any disruptions in water. The Landlord states that the property is fed by well water and that there were only a few occasions when water was disrupted for more than a couple of hours at a time.

The Tenants also state that there was no internet access for approximately 1 month. The Landlord disputes this stating there has been no internet disruptions except on one occasion for approximately 1 week where the internet service was reset.

Analysis

The onus or burden of proof lies with the party who is making the claim. In this case, the Tenants have the burden as it is they who have filed the claim and the Landlord has disputed it. When one party provides evidence of the facts in one way and the other party provides an equally probable explanation of the facts, without other evidence to support their claim, the party making the claim has not met the burden of proof, on a balance of probabilities, and the claim fails. The Tenants are unable to provide sufficient evidence regarding how much bottled water was purchased or how much was spent. The Tenants estimated approximately 6 cases of water. The Tenants have failed to provide sufficient evidence of an actual cost of any losses (bottled water) or of an approximate amount. The monetary claim is dismissed.

Conclusion

The Tenant's Application is dismissed.

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: August 14, 2013

Residential Tenancy Branch

