



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ReMax kelowna Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      FF, MND, MNSD

### Introduction

This is an application for a monetary order for \$1600.00.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on June 13, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order for \$1600.00?

### Background and Evidence

The applicant testified that:

- A boatlift at the rental property was damaged during the tenancy, and as a result the tenant was required to repair the boatlift.
- The tenant contracted with the boat company to do the repair; however we subsequently found out that the tenant never paid the contractor for the repair.
- They are therefore requesting a monetary order in order to ensure that the contractor is paid for this repair.

### Analysis

It's my decision that the landlords have not established a claim against the tenant, as this is not a debt that is owed to the landlords.

The damage to the boatlift did occur during the tenancy, however the tenant arrange for the repair of that boatlift, and therefore the landlord no longer has a claim against the tenant for the cost of those repairs.

This is a debt owed directly to a contractor by the respondent and I have no jurisdiction over disputes between tenants and any individuals they hire to do work on their behalf, even if the work was done at the rental property.

### 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: September 20, 2013

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Residential Tenancy Branch

