



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This is an application brought by the tenant requesting a finding on whether or not the way the landlord allocates the Municipality of Peachland, water, sewer, and garbage utility Bill is equitable.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties and the witness the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties and the witness.

All parties were affirmed

Issue(s) to be Decided

The issue is whether or not the amount being charged by the landlord to the tenant for the water, sewer and garbage utility is reasonable.

Background and Evidence

The applicant testified that he believes the water sewer and garbage charges are included in the rent he pays, under his tenancy agreement, and therefore he should not be paying anything further.

The applicant also testified that he believes the charges are not equitable, as the Municipality of Peachland provides one bill for the whole Park and then the landlord

divides that, equally amongst all the tenants, even though some tenants may be using more water than other tenants.

The landlord testified that utilities are not included in the rent and in fact in the tenancy agreement under clause 1 it states:

The tenant shall pay when due:

- (a) utility charges for all utilities supplied to the Pad, whether by the landlord or directly by the utility company.

The landlord also testified that the Municipality of Peachland provides the water through one water meter only to the whole Park, and therefore the only reasonable way to allocate the amounts to the tenants is to divide the total amount by the number of rental units in the park.

Analysis

First of all, it is my finding that the tenancy agreement signed by the tenant and the landlord clearly shows that the tenant is responsible to pay all utilities.

Secondly it is my decision that the method used by the landlord to allocate a portion of utility Bill to each rental pad is reasonable. As stated by the landlord and the tenant, there is only one water meter provided to the whole Park, and therefore, unless every tenant in the park was required to purchase a water meter for their own manufactured home, dividing the overall bill by the number of units in the park is the most reasonable method.

It would not be reasonable for the landlord to ask every tenant in the park to install a water meter on their manufactured home, as this would be a financial burden that would most likely outweigh any discrepancy in the amount of water used by each unit.

Further, in the absence of any clear evidence that the tenant is paying a disproportionate share of utilities I will not order any change in the method of water billing and the tenant must pay his proportionate share.

Conclusion

It is my finding, pursuant to section 51 of the Manufactured Home Park Tenancy Act, the tenant has an obligation to pay his equal share of the municipality of Peachland,

water, sewer, and garbage utilities, which are divided amongst all the rental units in the manufactured home Park.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: April 21, 2016

Residential Tenancy Branch