



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, O

Introduction

This is an application brought by the tenant requesting a monetary order in the amount of \$5000.00, and recovery of the filing fee.

A substantial amount of documentary evidence, photo 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 the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

Both parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established a monetary claim against the respondent, and if so in what amount.

Background and Evidence

This tenancy began approximately 2 years ago and the present monthly rent is \$812.00, due on the first of each month.

The applicant testified that on November 17, 2015 during an extreme wind storm that blew down trees all over the city, a tree on the landlord's property blew down and landed on his car causing extensive damage.

The applicant further testified that the landlord has refused to pay for that damage.

The applicant further testified that he did not have any insurance on the vehicle and therefore has no coverage for the damage caused by the landlords tree.

Analysis

It is my decision that the applicant has not established a claim against the respondent as it is my finding that there was no negligence on the part of the landlord and in fact the tree was blown over during an extreme windstorm that caused extensive damage in the whole region.

The landlord can only be held liable for this sort of damage if it was a result of willful or negligent actions on the part of the landlord, and as this was a freak windstorm there is no way the landlord could have foreseen this damage occurring.

I therefore will not allow the tenants claim for damages to his vehicle.

Conclusion

This application is dismissed in full, 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: June 15, 2016

Residential Tenancy Branch