



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC

Introduction

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

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for compensation for loss of cable-television services.

Background and Evidence

The applicant/tenant testified that:

- He moved into the rental unit on August 3, 2010, and since that time cable-television has been included at no extra cost.
- He originally rented the unit from the previous owners who lived in the rental property and shared the kitchen with him.
- The previous owners sold the rental unit to the present owners and they took possession on May 1, 2011.

- The present owners do not live in the rental unit, and the rental unit is being managed by a property management company.
- The previous owners had the cable-television disconnected when they moved out of the rental unit, and the new owners have failed to have the cable-television reconnected.
- He has supplied a letter from the previous owners that is signed and dated and states that cable is included in the rent.

The applicant is therefore requesting an order for a rent reduction equivalent to the cost of cable television services, and an order that the respondents pay the cable-television hook-up cost.

The respondent/landlords testified that:

- They have no evidence that the previous owners included cable-television services to the applicant in the rent.
- They informed the applicant that if he brought them a notarized letter from the previous owners stating that cable television was included in the rent, they would supply cable-television as well, however the applicant has failed to provide any such a notarized letter.
- The letter that the applicant has supplied to them has different handwriting in the second half of the letter than in the first half of the letter, and the signature is totally illegible and therefore they have no way of knowing whether this document is legitimate.

Therefore in the absence of any proof that cable-television was included in the rent they believe this application should be dismissed.

Analysis

The burden of proving a claim lies with the applicant and when it is just the applicant's word against that of the respondent that burden of proof is not met.

In this case it is my decision that the applicant has not met the burden of proving his claim that cable television service was included in the rent.

It is my finding that the letter provided by the applicant in support of this claim is of little evidentiary value, because, as pointed out by the landlords, it's written in two different handwritings, and the signature at the bottom is illegible, and therefore I have no way of verifying that this letter has actually been written by the previous owner/landlord.

In the absence of any proof that cable television service was previously supplied to the applicant, I am not willing to issue any order against the respondent.

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 10, 2011.

Residential Tenancy Branch