
Kay Four Quarterly

Winter 2011/12

Who is Responsible?

We regularly receive questions about who is responsible for certain things. Here are a few questions and answers which are based on the Residential Tenancies Branch's (RTB) Policies.

Who is responsible for repairs?

This has a two part answer. In general the landlord is responsible to make normal repairs when they are made aware of a problem. The tenant is responsible to inform the landlord when repairs are needed. Tenants may be held responsible for repairs if they cause the problem or if the repair cost increased because the tenant failed to notify the landlord of a problem on a timely basis.

Who is responsible if there is a leak in my suite?

That depends on where the leak started and how quickly it is repaired. If the leak could not be reasonably foreseen (example: a burst pipe, a roof leak), no one is responsible for the leak as long as it is fixed in a reasonable time. If the leak is caused by another tenant (example: the tenant above leaves their taps on and their sink overflows), that tenant is responsible for all costs (see insurance article). If the landlord fails to fix a known problem on a timely basis then the landlord may be responsible.



Who is responsible when my fridge dies?

The landlord is responsible to repair the fridge. The landlord is not responsible for costs associated with food loss as long as the fridge was being properly maintained.

Who is responsible for muddy shoeprints or spilled flour from groceries in the building's halls?

The person who makes the mess is responsible to clean it.

Who is responsible if my friend visits and causes damage to the building?

Tenants are responsible for the actions of their guests, friends, or people who enter the building because of them.

Who is responsible for telephone lines?

According to the CRTC and MTS, the person using the telephone service is responsible for the lines. That is why MTS has their WireWatch program. Shaw repairs any problems with their phone service at no extra charge.

Who is responsible for pests/bugs?

There is not a simple answer. Some pests, like flour beetles, are caused by tenants, even though they are not intentionally caused. The tenant is responsible for those.

Some pests, like ants, may be no one's fault and the landlord will take reasonable actions to eliminate them. We have a professional pest control company visit each building at least once a month to control such pests.

A tenant can be held responsible if the spread of pests is caused by them neglecting to inform the landlord of the problem or failing to take reasonable actions to rid a problem.

Protect Your Property with Tenant's Insurance

Every few weeks you hear that a tenant has lost their possessions and cannot replace them due to a lack of insurance. These people often say that they thought their landlord was responsible for insuring the personal possessions in their suite. This is not the case. Our policy on tenant insurance is written into the body of your lease agreement. It reads:

"All personal property placed in the rented premises shall be at the risk of the Tenant. The Tenant must have an insurance policy covering waterbeds, portable dishwashers, aquariums or animals, proof of which is to be provided to the Landlord in writing. A comprehensive insurance policy covering the contents, property and persons within the suite shall be the sole responsibility of the Tenant."

This policy is written into your lease for your protection. It is consistent with the regulations attached to The Residential Tenancies Act.

The best explanation that I have seen can be found in a brochure issued by the property insurance division of CAA Manitoba:

"Did you know that your landlord's insurance does not cover you if your personal possessions are stolen, damaged or destroyed?"

As a tenant, you are responsible for:

- *Loss or damage to your personal property.*
- *Any unintentional property damage that you may cause to any part of the building in which you live.*
- *Any accidental injury that may occur to others that you are legally responsible for."*

Your best protection against loss is a **comprehensive** insurance policy that can be purchased from many different insurance agents throughout the city. You are best served by ensuring that you have this protection before you get a bill for repairs or replacement for your personal property or other tenants' personal property due to an accident.

Rent Receipt Delivery

Your caretakers will soon deliver your rent receipt for payments made to Kay Four Properties during 2011.

Please do not lose your rent receipt. You may be asked for it by your income tax preparer or the government.

Replacement receipts can be picked up at our office at a cost of \$20.00 each.

