



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF, MNDC, OLC, RP, RR

Introduction

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 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.

Issues(s) to be Decided

This is a request for a monetary order for \$3100.00 and the applicant is also requesting that the respondent bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

Background and Evidence

The applicants allege that the tenants in the rental unit below them are interfering with their quiet enjoyment of the rental property.

They claim that the tenants have verbal yelling matches, slam doors, swear, and disrupt the entire household.

They further claim that the downstairs tenants use and sell drugs, and there are frequently people coming to the property to purchase drugs.

The applicants also allege that the downstairs tenants knocked over the applicant's motorcycle, causing extensive damage and causing a gasoline leak that filled the whole rental unit with dangerous fumes.

The applicants are therefore requesting an order as follows:

\$500.00 rent reduction for 4 months	\$2000.00
Filing fee	\$50.00
Total	\$3050.00

The applicants were also requesting a refund of dryer repair costs however at the hearing they stated that that money was already deducted from the rent and therefore they withdraw this portion of the claim.

The respondent testified that they have investigated all the applicants' allegations, and can find no validity to any of them.

They have spoken with the police, the neighbours, and the other tenants, and have found no proof of the accusations made by the applicants.

In their dealings with the applicant they have found them to be hostile and confrontational ones and not the tenants in the lower unit, and they have had complaints from the lower tenants about the loud obnoxious language coming from the applicant's suite.

The applicants further stated that there is no proof that the tenants in the lower unit did anything to the applicant's motorcycle as no one saw what happened, and the tenants in the lower unit deny doing anything to motorcycle.



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Analysis

The burden of proving a claim lies with the applicants 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 applicants have not met the burden of proving any of their claims, as it is basically just their word against that of the landlord and the other tenants.

The applicants have supplied no evidence to support their claim that the downstairs tenants are selling drugs or their claim that the downstairs tenants damaged their motorcycle.

Therefore I am not willing to allow their request for a rent reduction or a request for the cost of motorcycle repairs.

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: May 10, 2010.

Dispute Resolution Officer