

DECISION

Dispute Codes AAT, FF, LRE, OLC

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 \$2550.00.

Background and Evidence

The applicants testified that:

- The landlord subjected them to various forms of harassment over a six-day time span and as a result they lost the quiet enjoyment of their property for that length of time.
- Due to the harassment they also decided to vacate the rental property and move into a new rental property and as a result they had to pay rent and damage deposit at the new property as well as the dispute property.
- Harassment included such things as failing to give a rent receipt when rent was paid, entering the rental property without proper written 24 hour notice, foul language, accusations of drug use, threatened to change locks, threatening to enter without notice, and even phoning the parents of the applicants.

- They are completing their move out of the dispute rental property today May 31, 2010, and therefore have had to pay rent at two properties since April 15, 2010.

The applicants are therefore requesting an order as follows

2nd deposit paid at new rental property	\$700.00
Six days Loss of quiet enjoyment	\$400.00
Filing fee	\$50.00
Total	\$2550.00

The respondent testified that:

- He was not harassing the tenants; he was acting on the numerous complaints filed with his office from neighbours of the tenants, and the Strata Council.
- The strata council even threatened to levy a fine of up to \$200.00 if they had any further complaints.
- They had complaints of loud parties, excessive number of vehicles at the rental property, suspicion of drug dealing, and loud and disruptive behaviour.
- He never entered the rental property without getting permission from the tenants.
- When he went to the rental property to confront the tenants about the complaints he could smell marijuana in the rental unit in the tenant admitted that they had been smoking marijuana.

The respondent therefore believes that the tenants claim has no validity, and that there was no reason for them to rent another rental property prior to vacating this rental unit today. He is not even convinced that they have actually rented another property, believing that the tenancy agreement they have supplied as evidence may be a fake.

Analysis

It is my decision that the applicants have not met the burden of proving that the landlord was harassing them.

It's obvious from the evidence presented by the landlord that he had numerous complaints from neighbours and from the strata council about these tenants, and as a result he acted on those complaints, and although the tenants claim that the way he presented himself was inappropriate and abusive it is basically just their word against his and the landlord denies acting inappropriately.

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.

Therefore I will not allow the claim against the landlord.

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 31, 2010.

Dispute Resolution Officer