



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      RPP, MNDC

### Introduction

This hearing dealt with an application by the tenant seeking an order for the return of personal property and a monetary order for compensation for loss or damage suffered under the Act, the regulations or the tenancy agreement. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

### Issues to be Decided

Is the tenant entitled to an order to have his personal property returned?

Is the tenant entitled to a monetary order?

### Background and Evidence

At the outset of the hearing the tenant advised that he no longer required an order for the return of personal property. He stated that was just an error in filling out the application and as such, I dismiss that portion of the tenant's application.

The tenancy began on or about June 1, 2006 and continues today. Rent in the amount of \$558.00 is payable in advance on the first day of each month. The tenant resides in a basement suit of a three level home. There are three other units in the home.

The tenant gave the following testimony; feels he has been the target of harassment from the landlord and the other tenants, the tenant stated that the examples of harassment are as follows; loss of his quiet enjoyment by other tenants placing the blue recycling box directly in front of the walkway to his suite, his hose was "sabotaged" and filed down, and the target of vulgar and abusive language from the landlord, the tenant

just wants a nice quiet place to live and feels that he is not being given an opportunity to have that, seeks the equivalent of two months' rent as compensation for a total of \$1116.00.

The landlord gave the following testimony, adamantly disputes the claims as made by the tenant, stated that since the tenant went on a month to month tenancy agreement has become more demanding and more difficult to deal with, the other tenants of the home all get along with each other but are fearful of the subject tenant, the other tenants have complained to the landlord verbally and in writing, the other tenants have had to call the police on two occasions as the tension between them and the subject tenant has escalated, the landlord feels the tenant's claims are unfounded.

### Analysis

As explained to the parties during the hearing, the onus or burden of proof is on the party making the claim. In this case, the tenant must prove their claim. When one party provides evidence of the facts in one way, and the other party provides an equally probable explanation of the facts, without other evidence to support the claim, the party making the claim has not met the burden of proof, on a balance of probabilities, and the claim fails.

The relationship between these two parties is an acrimonious one. At times the parties were in a highly charged screaming match with each making allegations of "liar" to each other. It was explained to the tenant on three separate occasions for him to focus on his claim and provide clear testimony in that regards. The tenant repeatedly referred to issues that were dealt with in a separate hearing and to items that were not relevant to his claim.

Both parties provided extensive documentary evidence. All parties' testimonies and evidence have been considered in making a decision. The landlord provided testimony

and documentation from the other tenant's disputing the claims made by the tenant. As stated earlier in this decision the tenant was unclear and at times unfocused on his application. The landlord was clear and consistent throughout the hearing and his documentary evidence was relevant and helpful. Based on all of the above, I find that the tenant has not been successful in his application.

### Conclusion

The tenant's application is dismissed in its' entirety.

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: December 04, 2012.

---

Residential Tenancy Branch