



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with an application by the tenant for a monetary order against the landlord in the amount of \$25,000.00. This application originally formed part of the tenant's other application to dispute the landlord's 1 Month Notice to End Tenancy for Cause but due to time constraints was adjourned to be dealt with separately. The hearing regarding the 1 Month Notice was held on October 15, 2013. Subsequent to that hearing the landlord advised the Residential Tenancy Branch by letter dated October 30, 2013 that the residential property had been sold to new owners and that the landlord was cancelling its application for an order of possession pursuant to the 1 Month Notice. Accordingly, that matter was cancelled and the tenant's tenancy has continued uninterrupted.

So here we are now dealing with the tenant's monetary claim against the landlord for "fraud, conspiracy to commit fraud, criminal harassment and deceit". The landlord did not attend this hearing and in fact advised in the October 30, 2013 letter that they would not be attending this hearing because they "have no further interest in the property." In response to the landlord's letter the tenant sent in his own letter to the Branch stating that he intended "to attend and prosecute at the hearing of December 3, 2013 regardless of whether or not Mr. P.. or any other representative of his appears".

I also want to apologize to the parties for the fact that this decision was not rendered in a timely manner. I fell ill in December and was unable to work. This decision was only partially written when I got sick.

Issue(s) to be Decided

Is the tenant entitled to the requested order?

Background and Evidence

This tenancy began in December of 2009. The rent is \$495 per month. The tenant claims that for a long period of time – "at least three years" – the landlord (Mr. P) was harassing him. The tenant claims that Mr. P "started and abandoned several fraudulent eviction claims putting [the tenant] to an enormous task, aggravation, considerable

duress and expense". The tenant claims that the landlord would use the threat of eviction "as leverage" against him. It seems from the documentation submitted by the tenant that there were numerous allegations made by the landlord against the tenant relating to the level of sanitation being maintained in the suite and that hoarding and pest infestation had become a hazard in the eyes of the landlord. As well, the landlord had alleged that he had received noise complaints from other tenants about the tenant and that the tenant had engaged in some acts of vandalism around the building. Perhaps most concerning however is that the documentation submitted by the tenant contained a letter dated May 11, 2013 from the landlord to the tenant wherein the landlord advised the tenant that a complaint had been made against him to the Vancouver Police Department for an alleged verbal and physical assault on the residential caretaker.

The tenant was very upset by the allegations being made by the landlord and repeatedly disputed every one. The tenant himself has stated that he has also contacted the Vancouver Police to register a complaint of criminal harassment and the tenant claims that these allegations are being investigated by the police at this time.

In his own words, the tenant describes himself in his written submissions as follows:

"I am a fairly well educated man who graduated from Moscow University and who at one time was fluent in a dozen languages. I am a non-violent, peaceful person who was merely persecuted for being Russian. I came to Canada with my then wife as a legitimate immigrant, not a refugee, and I came with money and my wife and I bought a townhome in Kitsilano. Due to my subsequent depression and mental illness, my marriage fell apart, we were forced to sell the town home and I found myself hospitalized and have never fully recovered."

At the hearing the tenant further testified that the landlord was essentially committing a hate crime against him because he is Russian and because he has a mental disability.

Analysis

I have reviewed all of the materials submitted by the tenant which included virtually all of the documentation that was ever served on the tenant by the landlord. The materials are voluminous.

While I do understand that the tenant believes he was being unfairly targeted by the landlord, I find that on balance, there is insufficient evidence before me that the landlord was actually engaged in a calculated strategy of harassment or fraud against the tenant. On the contrary I find that letters that were served on the tenant were clear and professionally written and did not in any way seem to be contrived or vindictive. Additionally, I do not find that any of the materials served on the tenant were discriminatory in nature or that the tenant was a victim of a hate crime. Clearly,

however, if the tenant has already pursued a police complaint as to criminal harassment, the outcome of such complaints will be dealt with elsewhere.

Accordingly, I am not satisfied that a monetary order against the landlord in the amount of \$25,000.00 or any lesser amount is warranted.

Conclusion

The tenant's claim is dismissed.

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: January 14, 2014

Residential Tenancy Branch