



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OLC

### Introduction

The Application for Dispute Resolution filed by the Tenant seeks an order that the landlord comply with the Residential Tenancy Act, Regulations and/or tenancy agreement.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord as the landlord acknowledged service.

### Issues to be Decided

The issue to be decided is whether the tenant is entitled to an order that the landlord comply with the Residential Tenancy Act, Regulations and/or tenancy agreement?

### Background and Evidence:

The tenancy began approximately 7 years ago. The rent is subsidized. The present rent is \$361 per month payable in advance on the first day of each month. The tenant did not pay a security deposit.

The tenant seeks an order that the landlord takes steps to evict a neighbouring tenant based on the following:

- She testified the neighbour has been harassing her and she is afraid for her safety.
- The neighbour has done weird things like leaving newspaper articles on her door step
- She has reported incidents to BC Housing and they have responded they do not have enough evidence to successfully evict him. One time they said they would get back to her they failed to do so.

- In February 2018 the neighbour was listening in on a conversation she was having with another tenant. She then took the elevator to the bottom floor and the neighbour ran down the stairs and burst through the door scaring her.
- The neighbour tenant intimidates with the way he looks at her.
- She has reported a number of incidents to the police and they have told her she should file an Application with the Residential Tenancy Branch if the landlord does not do anything.
- The neighbour denies harassing her. On one occasion he put a note under her door accusing her of harassing him.
- The tenant referred to a number of letters she has written. On cross examination she acknowledged that she did not provide many of those letters to the landlord at the time of the incidence and only provided the evidence to the landlord as evidence for this hearing.

The landlord gave the following evidence:

- BC Housing takes all complaints seriously and they investigate them provided the complaints are in writing.
- BC Housing acknowledges they have a duty to investigate. We have conducted several investigations to the tenant's complaints and determined there was not sufficient evidence for the landlord to obtain an Order of Possession.
- The landlord had a meeting with the tenant in April and advised the tenant of the need to provide corroborating evidence in order for the landlord to successfully obtain an Order of Possession.
- The landlord testified that the tenant failed to provide 5 of the 7 pages of letters she is relying on to the landlord at the time of the alleged incidents.
- It does not appear the police have laid in criminal charges against the neighbouring tenant.
- One of the complaints the tenant made was the allegation that the neighbouring tenant followed her home from the bus stop. There is only one route home from that bus stop and if the tenant and the neighbour arrived home at the same time it would not be unreasonable that both follow the same route.

The Tenant responded saying she just wants to live in peace and there is no reason why she should be lying about this. She is fearful of the neighbouring tenant as he suffers from schizophrenia. The landlord encouraged the Tenant and other tenants who have allegedly complained to write letters if they feel there is a problem.

#### Analysis:

After carefully considering all of the evidence I determined the tenant has failed to provide sufficient evidence to establish that an arbitrator should make the order requested by the Tenant for the following reasons:

- Some of the evidence the tenant seeks to rely on was never provided to the landlord. It is not appropriate to make an order against a landlord where a tenant failed to advise the landlord of a situation.
- I determined the appropriate test to be applied is whether the landlord has taken the complaints seriously, investigated the complaints and has acted reasonably in determining whether to take steps to evict another tenant. In this case I determined the landlord has taken the complaints seriously, sufficiently investigated the complaint and the decision not to evict the neighboring tenant based on a lack of evidence was reasonable.
- The tenant failed to provide sufficient evidence to the landlord about the incidents that a landlord might be reasonably expected to take steps to evict a neighboring tenant.

As a result I dismissed the tenant's application without leave to re-apply.

**This decision is final and binding on both parties.**

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: June 18, 2018

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Residential Tenancy Branch