



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION AND REASONS**

Dispute codes: CNC, FF

### Introduction

This was the tenant's application to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The tenants participated as did the landlord's representative.

### Background and Evidence

The landlord gave the tenants a one month Notice to End Tenancy for cause dated August 20, 2008. The Notice required the tenants to move by September 30, 2008. This is the Notice the tenants have applied to cancel. The reason for giving the Notice was stated to be that the tenants had significantly interfered with or unreasonably disturbed another occupant or the landlord. There is no dispute that the tenants were properly served with the Notice.

The rental unit is an apartment in a wood frame strata complex apartment building. There have been ongoing noise complaints concerning the tenants. The owners of the rental unit have had fines levied against them as a result of what were stated to be excessive noise, rudeness to other owners and failure to abide by strata bylaws. The tenants deny that they have been excessively noisy. They suggested that there are other tenants in the building who are the source of noise complaints and they have been unfairly labelled as noisy. The property manager has provided a voluminous dossier of complaints concerning the tenants' behaviour. The property manager has offered to assist the tenant to find other accommodation; the tenants agreed to look for another place to live. The property manager located another rental unit for them in a concrete

building where noise would be a lesser concern, but the tenants did not pursue the matter.

### Analysis and Conclusion

I do not accept the tenants' testimony that they are not the source of the noise complaints, or that their behaviour and that of their guests has not disturbed other residents. It may be that a few noise complaints were improperly attributed to the tenants, but there are many events and complaints that are unequivocally linked to the tenants' conduct. There are specific complaints from residents about loud behaviour and rude and threatening conduct by the tenants toward them. I am satisfied on a balance of probabilities that the tenant's conduct amounts to sufficient cause to end the tenancy. I therefore dismiss the tenants' application to cancel the Notice to End Tenancy. In light of the outcome I do not allow the claim for recovery of the filing fee for this application. The landlord requested that I issue an order for possession in the event that I did not allow the tenants' application.

I find that the landlord is entitled to an order for possession effective September 30, 2008 after service on the tenants. This order may be filed in the Supreme Court and enforced as an Order of that Court.

Dated September 26, 2008.