

Decision

Dispute Codes: MNDC, FF

Introduction

This is the Tenant's application for a Monetary Order for compensation for damage or loss; and to recover the cost of the filing fee from the Landlord.

I reviewed the evidence provided prior to the Hearing. The parties gave affirmed evidence and this matter proceeded on its merits.

Issue(s) to be Decided

- (1) Is the Tenant entitled to a monetary order in compensation for loss of quiet enjoyment of the rental unit, and if so, in what amount?
- (2) Is the Tenant entitled to recover the cost of the filing fee from the Landlord?

Background and Evidence

The tenancy began approximately 16 years ago. Monthly rent is \$620.00, due on the first day of each month.

The Tenant testified that for the past couple of years, the tenant in suite 201 has been playing loud music late at night, making it impossible for him to get his rest. The Tenant testified that he has provided the Landlord's agent with numerous written complaints about the noise, but nothing has been done to remedy the situation. The Tenant testified that he put the letters of complaint on the Manager's door. The Tenant is applying for damages in the amount of \$300.00 for loss of peaceful enjoyment of his home.

The Landlord's agent testified that he has never received any written complaint from the Tenant about noise coming from suite 201. He stated that the previous Manager may have received written notice, but he was fired some time ago. The current Manager is aware of the Tenant's complaint, and has tried to address it, but the problem is that no one else is complaining and other tenants are pointing their fingers at the Tenant. The Landlord's agent stated that the Tenant and the tenant in 201 do not get along. The Landlord's agent testified that the current Manager went to the Tenant's suite to see if she could hear loud music or noise, but there was nothing problematic.

Analysis

This is the Tenant's application, and as such, the onus is on the Tenant to prove his claim. The Tenant has not provided sufficient evidence to meet this burden, and therefore the Tenant's application is dismissed.

Conclusion

The Tenant's application 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.

December 29, 2009

Date of Decision