

## **DECISION**

Dispute Codes            MNDC, OLC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for a Monetary Order for money owed or compensation for loss or damage under the *Residential Tenancy Act (Act)*, regulation or tenancy agreement and a Monetary Order to recover the filing fee. The tenant withdrew his application for an Order for the landlord to comply with the *Act*.

The tenant served the landlord by registered mail on November 02, 2009 with a copy of the Application and Notice of Hearing. I find that the landlord was properly served pursuant to s. 89 of the *Act* with notice of this hearing.

Both parties appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, and in written form, documentary form, and make submissions to me. On the basis of the solemnly affirmed evidence presented at the hearing I have determined:

### Issues(s) to be Decided

Is the tenant entitled to a Monetary Order for money owed or compensation for damage or loss under the *Act*?

### Background and Evidence

This month to month tenancy started on April 01, 2009. The tenant pays a monthly rent of \$581.00 which is due on the 1<sup>st</sup> of each month. The tenant paid a security deposit of \$290.00 on April 01, 2009.

The tenant testifies that his building was always a good place to live in but since April, 2009 the building has become unfriendly towards him. The tenant claims that other tenants have made noise which has disturbed his sleep and he has had to take more than his usually medication to help him sleep. The tenant has raised concerns that this noise from neighbouring tenants has

caused him to abuse his medication. The tenant claims an amount of \$1,500.00 in compensation from the landlord for his loss of quiet enjoyment and lack of sleep.

The landlord testifies that this Society is a non profit housing provider and the tenant rents a unit in this building. The tenant has a support worker allocated to him to support his mental health care. The landlord claims the tenant has not been connecting with his support workers and has made complaints about other tenants yelling at him to “go”. The landlord states that they have been encouraging the tenant to engage with his support workers and to develop a relationship with his neighbours.

The tenant confirms that the landlord, his support worker and he have had meetings to resolve his issues and things have improved now to the point where the tenant states he is able to sleep and is no longer having to abuse his medication. The tenant agrees that he is happier now in his unit and the building and states that the landlord has helped support him through his difficult period.

### Analysis

I find the tenant has provided letters detailing his concerns with noise from his neighbours and comments telling him to “go”. However, the tenant has not provided copies of all these letters to the landlord. I find the tenants evidence is not sufficient to find in his favour for a monetary award in compensation for damage or loss under the Act, as the tenant has not established how the landlord is at fault in this matter. I further find the landlord has supported the tenant throughout his difficult periods and continues to support him along with the tenants support workers.

Consequently, due to insufficient evidence to support the tenants claim, his application is dismissed with leave to reapply.

### Conclusion

The tenants’ application is dismissed with leave to reapply.

I Order the tenant to bear the cost of filing his own application.

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: March 03, 2010.

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Dispute Resolution Officer