

DECISION

Dispute Codes CNC, ERP, O, OLC, PSF, RP

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties .

All testimony was taken under affirmation.

Issues(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicant has put on the application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue, to be dealt with together.

I therefore will deal with the request to have a section 47 Notice to End Tenancy canceled and I dismiss the remaining claims, with liberty to re-apply.

Background and Evidence

The landlord testified that:

- They have had numerous complaints from other occupants of the rental property, about noise caused by the applicants.
- They have also had complaints about the applicants allowing other people in and out of the building late at night who are the loud an often intoxicated.

- They have also had numerous complaints about the applicants knocking on doors and bothering people for money or for the use of their phones.
- As the landlords they have sent letters to the applicants asking them to change their behaviour and as yet the complaints keep coming in.

The landlords are therefore asking that this Notice to End Tenancy be upheld and that an Order of Possession be issued.

The applicants testified that:

- There have been numerous times where they are very loud in the halls due to domestic disputes, however they are not the only loud people in the rental building, and the loud noise is usually confined to their suite.
- They have not knocked on people's doors asking to use the phone for many months now as they have their own phone.
- The only time they knock on doors asking for money is when they need to do laundry and they are looking for change. They have not been panhandling.

The applicants are therefore requesting that the Notice to End Tenancy be cancelled and this tenancy continues.

Analysis

It is my decision that the other occupants of the rental property should not have to put up with loud domestic disputes that overflow into the hallways. This sort of behaviour is very disruptive and makes it very uncomfortable for other tenants in the rental property.

It may well be true that there are other occupants of the rental property that make noise as well but that is a separate issue and that will be up to the landlord to decide whether that situation is severe enough to issue notices to end tenancy to those tenants however in this case it is my decision that the Notice to End Tenancy is justified.

Conclusion

The application to have the section 47 Notice to End Tenancy cancelled is dismissed without leave to reapply, and I have issued an Order of Possession to the landlords for May 31, 2010.

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: May 18, 2010.

Dispute Resolution Officer