

DECISION

Dispute Codes

OLC

Introduction

A small amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on June the fifth 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an order to have the landlord comply with the Residential Tenancy Act, Regulation, or Tenancy Agreement.

Background and Evidence

The applicant testified that:

- The tenant in the suite above him frequently makes loud noises in the early hours of the morning.
- The tenant used to leave his radio on loud from 5:30 in the morning on however he has stopped doing that.
- The tenant also runs the taps in such a way that causes the pipes to chatter again waking him or causing him sleep deprivation.
- He believes that the noise from the tenant above is being caused purposely and when he requested that the landlord deal with the matter, the landlord took the other tenants side and nothing was done.
- The tenant from the unit above also glares at him through the window whenever he leaves the building, and has yelled at him on the street.

The applicant is therefore requesting an order that the landlord either deals with the noise issue or evicts the tenant from this suite above him.

Analysis

The applicant claims that the tenants in the suite above him is making excessive noise which is causing him sleep deprivation; however he has provided no evidence in support of that claim other than his own testimony.

The applicant lives in a rooming house, and therefore must expect that there will be some noise emanating from the other rooms in the property, and since different people react differently to sound, what one may consider to be excessive noise, another may find to be normal.

In the absence of any supporting evidence to corroborate the applicants claims, I am not willing to issue any order against the landlord as the applicant has not met the burden of proving that the tenant above is causing excessive noise.

Conclusion

This 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*.

Dated: July 16, 2010.

Dispute Resolution Officer