

DECISION

Dispute Codes CNC

Introduction

This is an application by the Tenant to cancel a notice to end tenancy for cause. Both parties appeared together by conference call and gave affirmed testimony.

Issues(s) to be Decided

Has the Landlord shown cause to end the tenancy?

Background and Evidence

This Tenancy began on June 1, 2010. The Tenant was served with a one month notice to end tenancy for cause on September 27, 2010. The Landlord posted this on the Tenant's door. The Tenant confirms receipt of the notice posted on his door. The Tenant states that the hearing documents were served in person on the Landlord's office on October 7, 2010. The Landlord confirms receipt.

The Landlord received noise complaints shortly after the Tenant began tenancy in June of 2010. The Landlord addressed these issues and the Tenant gave verbal assurances that this would not continue. Numerous complaints from neighbours continued from July and September, where the Landlord was again addressing these issues with the Tenant. What resulted was a voluntary letter from the Tenant on September 11, 2010 to vacate the rental unit if any further complaints were received from neighbours. The Landlord received more noise complaints about the Tenant from September 17-20, 2010. The Tenant was advised to comply by giving voluntary notice to vacate the rental unit. Subsequent noise complaints about the Tenant were received on October 14 and 15. The Tenant has filed no evidence or explanations of defence.

Analysis

Based upon the evidence filed by the Landlord, I find that the one month notice to end tenancy was properly served and that the Landlord has established cause to end the tenancy through the logged complaints from neighbours.

I dismiss the Tenant's application to cancel the notice to end tenancy.

Conclusion

The Tenant's application to cancel the notice to end tenancy is dismissed without leave to reapply.

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: November 05, 2010.

Dispute Resolution Officer