



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

A substantial amount of 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.

Issue(s) to be Decided

This is a request for an order cancelling a Notice to End Tenancy that was given for cause.

Background and Evidence

On September 19, 2011 the landlord served the tenant with the Notice to End Tenancy that stated:

Tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord testified that:

- There have been numerous problems with this tenant and numerous complaints from other occupants of the rental property, however the main complaint is that the tenant frequently plays his music very loud late at night and into the early morning.
- This music goes on at times till three in the morning and is so loud that complaints have come in from tenants who live at the other end of the building.
- They even had to call the police one time because of the loud music however the tenant refused to answer the door and the music continued.
- There have been other incidents of confrontations with other tenants and the police have had to intervene on five occasions.
- These ongoing disturbances are unreasonably disturbing the other occupants of the rental property and they are therefore requesting that this Notice to End Tenancy be upheld and an Order of Possession be issued.

The tenant testified that:

- A lot of the complaints in the letters supplied by the landlord are untrue, as he has not threatened or degraded anyone.
- He is not sure how often the police have been called however he is aware of two times. Once when he was assaulted and one other time where he was arrested and ended up in jail.
- He does admit that he has been playing his music very loud as he has very loud speakers, however he is committed to not playing the music loud any longer and will wear headphones whenever he plays his music.
- He is therefore requesting that the Notice to End Tenancy be cancelled and that he be allowed to continue living in this rental unit, because if he is evicted he will end up homeless.

Analysis

It is my finding that the landlord has established reasonable reasons for ending this tenancy.

The landlord has supplied evidence of numerous complaints filed against this tenant, and the tenant himself has admitted that he has played his music loud on numerous occasions, and even admits that he was arrested once by the police during an altercation at the rental property.

The tenant testified that he is willing to change his behaviour, however the disturbances continued even after previous warnings from the landlord, and therefore I am not willing to allow this tenancy to continue.

Conclusion

The tenant's application is dismissed without leave to reapply and I have issued an Order of Possession to the landlord for 1 p.m. on October 31, 2011.

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: October 27, 2011.

Residential Tenancy Branch