



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

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.

Issue(s) to be Decided

This is a request for an early end to the tenancy and an Order of Possession, and a request for recovery of the filing fee.

Background and Evidence

The applicant testified that:

- Since this past summer the other occupants of the rental property have had to endure ongoing noise disturbances from the respondent's rental unit.
- These disturbances include loud rowdy parties, loud crying and banging and a strong smell of marijuana/crack cocaine smoke coming from the rental unit.
- They have given the tenants numerous warnings to correct this behaviour however it is ongoing.

- The problems escalated around November 23, 2011 and since then the other tenants have had to endure these loud disturbances at all hours of the day and night on an almost nonstop basis.
- It is at the point where the other tenants are threatening to vacate or withhold rent because they are unable to get any sleep due to these loud ongoing disturbances.

They are therefore requesting an early into this tenancy and an Order of Possession for as soon as possible.

The respondent testified that:

- The walls are very thin in his rental property and therefore sound travels very easily.
- She has a teenage daughter, and teenagers are very emotional and therefore her daughter does at times cry, however if the walls were not so thin this would not be a problem.
- She does not believe it is a business of the other tenants in the rental property what goes on in their rental unit and she does not believe that they are that noisy.
- She is working two jobs just to pay her rent, and therefore her daughter is home alone at times and she is unable to supervise her daughter at all times however she has asked her daughter to try and keep the noise to a minimum.
- She does not believe that she should be asked to leave on such short notice and believes that the landlord should have given her a proper eviction notice.

Analysis

After reviewing all the evidence provided for the hearing is my finding that the landlord has shown that these tenants are unreasonably disturbing the other occupants of the rental property to such an extent that it would not be reasonable to allow this tenancy to continue.

It is also my decision that an early end to this tenancy is justified as it is not reasonable to expect the other occupants of the rental property to endure this ongoing behaviour for the length of time it would take to end this tenancy with the normal one month Notice to End Tenancy.

Therefore I allow the landlords request for an early into this tenancy and an Order of Possession.

I also allow the request for recovery of the filing fee.

Conclusion

I order an early end to this tenancy and have issued an Order of Possession for 1 p.m. on December 15, 2011.

I also ordered that the respondent bear the \$50.00 cost of the filing fee.

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: December 07, 2011.

Residential Tenancy Branch