



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

This hearing dealt with an application by the tenant for an order that the landlord comply with the Act. The tenant, the landlord and an advocate for the landlord participated in the teleconference hearing.

I have reviewed all evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issue(s) to be Decided

Should the landlord be ordered to comply with the Act?

Background and Evidence

The tenant applied for an order that the landlord comply with the requirement to provide the tenant quiet enjoyment of his rental unit.

Tenant's Evidence

The tenant's quiet enjoyment of his rental unit has been repeatedly disturbed by incidents of domestic violence in the unit above him. The tenant informed the landlord that there had been five recent cases of domestic disturbance by the tenants above him in which the police were called. There have also been multiple intensive screaming arguments that have been carried out into common areas such as the hallway and stair well. These incidents often occur late at night, and disrupt the tenant's sleep. The latest noise disturbance occurred at 2:00 a.m. last night.

Landlord's Response

The landlord has served the upstairs tenants with a notice to end tenancy for cause, and has applied for an order of possession pursuant to the notice. The landlord believes he has taken all reasonable steps to address this problem.

Analysis

I find that it is not necessary to order that the landlord comply with the Act to provide the tenant with quiet enjoyment. I find that the landlord is currently taking all reasonable steps to address the problem.

Conclusion

The application of the tenant 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: February 22, 2012.

Residential Tenancy Branch