



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

Some 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 applicant testified that the respondent was served with notice of the hearing by hand on March 13, 2012 however the respondent did not join the conference call that was set up for the hearing.

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.

Background and Evidence

The applicant testified that:

- The tenant has allowed her boyfriend to move into the rental unit and since doing so there have been numerous loud disturbances from the rental unit.
- The noise has been so bad that the police have been called on two occasions, and now he has lost one tenant who has moved out because he cannot handle the ongoing disturbances.
- The loud noises go on at all hours of the night with yelling and banging and swearing.
- The other tenant was disturbed by the noise and he has the landlord is also disturbed by the noise and is unable to get any sleep that night.

- When he asked the tenants to stop making the noise than tenant starts swearing and yelling at him.

The applicant is therefore requesting an early into this tenancy and an Order of Possession for as soon as possible.

Analysis

It is my decision that it is not reasonable for the landlord and other occupants of this rental property to have to put up with these ongoing loud disturbances from the respondent's rental unit.

It is also my decision that it would be unreasonable to require the landlord to give the normal one month Notice to End Tenancy, as that would be too long a period for the other occupants to have to endure this ongoing noise.

I therefore allow the landlords request for an early into this tenancy.

Conclusion

I hereby order an early into this tenancy and I have issued an Order of Possession that is enforceable two days after service on the tenant.

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: March 26, 2012.

Residential Tenancy Branch