



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      RP

### Introduction

This hearing dealt with an application by the tenant for an order compelling the landlord to perform repairs. Both parties participated in the conference call hearing.

### Issue to be Decided

Should the landlord be ordered to perform repairs?

### Background and Evidence

The rental unit is on the third floor of an apartment complex. The tenant testified that since beginning her tenancy in 2011, she has been disturbed several times daily by the sound of the shower, kitchen and bathroom sinks of the unit directly below her. She testified that she found the noise extremely disturbing and when the water was running, she had to turn up the volume on the television, it interrupted conversations in the rental unit and she was unable to carry on a telephone conversation.

The landlord testified that he has listened to the noise in the rental unit and although he can hear the sound coming from the shower and sinks in the unit below, he believes that it is normal apartment noise. The landlord testified that he engaged a plumber to investigate the tenant's complaints and the plumber removed debris from shower valves and kitchen supply lines, replaced and relocated a valve and installed an air separator in an effort to minimize sound, but these efforts did not satisfy the tenant. The landlord provided a letter from the plumber in which the plumber made the following statement:

It is my professional opinion that the noise level carried through the water piping is not abnormal and well within acceptable limits. I also believe every reasonable effort has been made to accommodate.

The tenant testified that she does not know what else can be done, but insisted that some type of repair should be effected in order to reduce the noise.

Analysis

In order to establish her claim, the tenant must prove that a repair is both required and is possible. I accept that there is noise associated with water used by the lower unit, but I am not satisfied that there is anything that can be done about it, short of re-piping the entire building. I accept the evidence of the landlord's plumber and find that there are no further measures which can be taken to reduce or eliminate the noise. For these reasons, I find that the tenant's claim must fail.

Conclusion

The tenant's claim 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: April 30, 2012

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Residential Tenancy Branch