



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes PSF, OLC

Introduction

This hearing was convened as a result of the tenants' application for dispute resolution under the Residential Tenancy Act (the "Act") for an order requiring the landlord to comply with the Act and an order requiring the landlord to provide services or facilities required by law.

The parties appeared, the hearing process was explained and the parties were given an opportunity to ask questions about the hearing process.

Thereafter all parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

I have reviewed all oral and written 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

Are the tenants entitled to an order requiring the landlord to comply with the Act and to provide for services or facilities required by law?

Background and Evidence

This month to month tenancy began on March 1, 2010, and monthly rent is currently \$526.00.

The tenants' application pertains to the tenants' request that the landlord provide them with quiet enjoyment of their rental unit; more specifically, the tenants stated that they have had ongoing issues with a neighbouring tenant.

The tenants submitted that this particular tenant has deprived them of their quiet enjoyment by constant door slamming and verbal harassment and threats from this tenant and his guests.

The tenants stated that they brought this to the landlord's attention on many occasions, but, until recently, the problems persisted.

The tenants expressed their satisfaction with the landlord having installed door closers in the rental unit next door as well as having issued the offending neighbouring tenant a strict warning letter. The tenants stated that the issues for which they filed their application have been resolved, at least for now.

The tenants further stated that they particularly appreciated that the warning letter informed the offending tenant that his tenancy was in jeopardy should the behaviour continue.

The landlord's agent stated that until the tenants' concerns were put in writing, there was little the landlord could do about the offending tenant's behaviour. The landlord's agent stated that they took the tenants' concerns seriously and has laid the proper foundation to end the tenancy with the offending tenant by issuing progressively stricter warning letters should his behaviour continue.

The landlord confirmed that the offending tenant is aware that his tenancy is in jeopardy should his or his guests' behaviour continue.

Analysis

The tenants agreed that since the last letter sent to the offending tenant, the problems have not re-occurred and further agreed that they were no longer in need of the relief sought in their application, due to the actions of the landlord ensuring their quiet enjoyment.

Conclusion

I therefore **dismiss** the tenants' application and I make no findings on the merits of the tenants' application.

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: June 11, 2012.

Residential Tenancy Branch