



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *MNDC, RP, FF*

### **Introduction**

This hearing dealt with an application by the tenant, pursuant to the *Residential Tenancy Act*, for monetary order for work done for the landlord, for an order directing the landlord to make repairs and to resolve the problems the tenant is facing with the occupants of neighbouring units. The tenant also applied for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Has the landlord fulfilled her responsibilities as a landlord with regard to maintenance, repairs and following up on the tenant's complaints?

### **Background and Evidence**

This month to month tenancy started in October, 2021. Rent is \$900.00 due on the first of each month. The rental unit is an apartment located in an apartment building.

The tenant stated that at the start of the tenancy, the paint was peeling off the kitchen cabinets and she agreed to fix the problem on her own time, if the landlord provided supplies. The parties visited a hardware store together and the landlord purchased the required supplies. The tenant is now claiming \$100.00 for her time spent to carry out the repairs. During the hearing the tenant dropped her application for an order directing the landlord to make repairs.

The tenant stated that her neighbours in the front and back have caused her problems since February 2013. The back neighbour has two children who create noise disturbances by running in their apartment up to 2am almost every night. In addition; the male tenant leaves for work at 5am and also creates noise disturbances every morning.

The tenant stated that the neighbour in front does laundry at midnight almost every night which disturbs the tenant's sleep. In addition, this neighbour hangs her laundry to dry and a lot of it ends up falling into the tenant's balcony.

The landlord stated that the tenant informed her of these problems in February 2013 and she acted on the complaints immediately by informing the strata. The strata also took action and issued warning letters to the neighbours. One neighbour also got fined when she continued to do laundry after hours. However, the noise disturbances to the tenant still continue to occur.

The landlord has agreed to follow up on the complaints in an aggressive manner until the issues are resolved and keep the tenant updated of her progress.

### **Analysis**

Based on the testimony of both parties, I find that the tenant agreed to do the repairs on her own time and therefore her application for \$100.00 is dismissed.

I order the landlord to continue to follow up with the tenant's noise complaints and achieve resolution within the next two months.

Since the tenant has not proven her case, she must bear the cost of filing her application.

### **Conclusion**

The tenant's application is dismissed. The landlord must continue to follow up on the tenant's complaints and do whatever is necessary to provide the tenant with quiet enjoyment.

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: September 12, 2013

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Residential Tenancy Branch

