



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vine Street Properties  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      FF, MND, OLC

### Introduction

This is an application for a monetary Order for \$8400.00 and a request for an Order for the landlord to comply with the Residential Tenancy Act, Residential Tenancy Regulations, or the Tenancy Agreement.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Is the applicant entitled to a monetary Order for \$8400.00?

Has the landlord failed to comply with the Residential Tenancy Act, Residential Tenancy Regulations, or the Tenancy Agreement?

### Background and Evidence

The applicant testified that:

- Since last summer he has been disturbed by loud noise from the tenant in unit 401.

- The tenant comes home from the bar late at night usually with friends, and he makes an excessive amount of noise outside the building entrance which is below my window.
- The noise continues in the tenant's suite and it's gotten to the point where I sleep on the living room floor on an air mattress to get away from the noise.
- I have made many complaints to the resident manager and have sent letters to the landlords; however the problem has still not been resolved.
- When I see the tenant in the hallways the tenant is verbally abusive to me and has no regard for my rights whatsoever.
- I feel the landlords have not taken significant steps to deal with the issues and I therefore requesting compensation and an Order for the landlord to deal with the noise complaints.
- I'm not as much concerned about the money, as I am about having the noise issue resolved.

The landlord testified that:

- We have taken the tenants claims very seriously but it's hard to tell which tenant is telling the truth.
- We have spoken with the other tenant; however the other tenant claims that the applicant is the one who's being abusive and even claims that the applicant threatened him with a knife, which resulted in the police being called.
- We believe we've taken reasonable steps to deal with the matter however it's obvious that there is a personality conflict between the parties and he does not know what else he can do.
- They have even spoken with other tenants in the building to see if they have any complaints about the tenants in 401, however they have not, and in fact they had more complaints about the applicant than they did about the tenants in 401.
- Other tenants in the building stated that it's the applicant that is the abusive person in the rental property and not the tenants of 401.
- They have taken this issue seriously, and from the information they've gathered it would appear that the applicant is the one causing the problems and not the tenants in 401.

### Analysis

It's my finding that the applicant has not met the burden of proving that the tenants of 401 are unreasonably disturbing him or that he has had a significant loss of use and enjoyment.

The applicant has provided no evidence in support of his claim other than his own testimony and it's my finding that that is insufficient to meet the burden of proving this claim.

Further it is my finding that the landlord has taken reasonable steps to respond to the applicant's allegations, and having been unable to substantiate the applicant's claims, I fail to see that there is anything further they could do.

I therefore will not be issuing any monetary Orders against the landlord nor will I be issuing any Orders for the landlord to comply with the Residential Tenancy Act, Residential Tenancy Regulations, or the Tenancy Agreement.

### Conclusion

This application is dismissed in full.

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 20, 2013

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Residential Tenancy Branch

