



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Rancho Management Services BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction

This is an application filed by the tenant to obtain an order to cancel a notice to end tenancy issued for cause and recovery of the filing fee.

Both parties attended the hearing by conference call and gave evidence. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence by the other party, I am satisfied that both parties have been properly served.

During the hearing, the landlord's agent stated that dispute could not be resolved between the two parties and that the landlord was receiving ongoing noise complaints regarding the washer and wish to end the tenancy. I find that this constitutes a verbal request to uphold the notice to end tenancy and to obtain an order of possession to end the tenancy.

Issue(s) to be Decided

Is the tenant entitled to an order cancelling the notice to end tenancy?

Is the landlord entitled to an order of possession?

Background and Evidence

Neither party submitted a complete copy of the notice to end tenancy, but both parties confirmed that the landlord served the tenant with a 1 month notice to end tenancy issued for cause dated May 16, 2014 with a stated effective end of tenancy date of June 30, 2014. Both parties confirmed in their direct testimony that the landlord served the notice by posting it to the rental unit door on May 16, 2014. Both parties also confirmed that the reason for cause selected by the landlord on the notice is Tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.

The tenant disputes the landlord's claims. The landlord states that the tenant was verbally cautioned as early as October 24, 2013 when the landlord received noise

complaints on the tenant's own washing machine causing too much noise. Both parties agreed that the landlord had bought and installed rubber noise suppressors for the tenant's washing machine that do not seem to help with the noise. Both parties have confirmed that the landlord offered to let the tenants move to a ground rental unit as there will not be anyone below them for noise issues. The landlord states that their efforts are above and beyond what is required for a washing machine owned by the tenants. The landlord has submitted copies of noise complaint letters from unit 212 which the complainant states that the tenant's washing machine noise is excessive and frequent disturbing her. The landlord states that they have already had 2 tenants move out because of the excessive noise and that the 3rd current tenant is threatening to end her tenancy because of the noise.

Analysis

I accept the evidence of both parties and find on a balance of probabilities that I prefer the evidence of the landlord over that of the tenant. The landlord has provided sufficient evidence of excessive noise complaints from other tenants and has tried to resolve the tenant's noise issue regarding her washing machine by installing noise suppressors without any success. I find that the notice is valid and the landlord has provided sufficient evidence to satisfy me that the tenant has unreasonably disturbed another occupant. The notice dated May 16, 2014 is upheld. The tenant's application to cancel the notice to end tenancy issued for cause is denied. The landlord is granted an order of possession. This order must be served upon the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

The tenant's application is denied.
The landlord is granted an order of possession.

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: July 17, 2014

Residential Tenancy Branch

