



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Austeville Properties Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: OLC, RP

### Introduction

This hearing concerns the tenant's application for an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / and to make repairs to the unit, site or property. Both parties attended and / or were represented and gave affirmed testimony.

### Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

The unit which is the subject of this dispute is located on the 19<sup>th</sup> floor of a 20 story apartment building. Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began in July 2011. Monthly rent is \$1,550.00 and a security deposit of \$725.00 was collected.

The tenant filed an application for dispute resolution on October 21, 2014. In his application the tenant claims there has been a "new disturbing noise" audible in his unit since August 25, 2014. The tenant alleges that the problem has not been remedied, despite numerous email exchanges between the parties about the matter.

During the hearing the landlord confirmed that no other residents had lodged similar complaints with the landlord about noise. Further, the landlord took the position that the noise described by the tenant "is normal for a residential apartment building." In any event, the landlord also confirmed that in response to the tenant's concern, certain work had been completed last week in relation to two gas fired heating boilers which are located "in the mechanical room on the 20<sup>th</sup> floor of the Building." It is understood that this work included "replacing the burner tubes and electrodes and cleaning the internal

heat exchanger.” While the tenant remains cautious around whether a long term remedy has been found for the noise, he testified that the matter presently appears to have been resolved. In the result, the application for orders to be issued against the landlord is dismissed.

### Conclusion

In view of the resolution which appears to have been achieved between the parties, the tenant’s application is hereby 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: December 02, 2014

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Residential Tenancy Branch

