



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the "Act"), to cancel 1 Month Notice to End Tenancy for Cause, (the "Notice") issued on February 29, 2016.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

In a case where a tenant has applied to cancel a Notice, Rule 7.18 of the Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. I refer only to the relevant facts and issues in this decision.

### Issue to be Decided

Should the Notice issued on February 29, 2016, be cancelled?

### Background and Evidence

The tenancy began on April, 1, 2015. Rent in the amount of \$500.00 was payable on the first of each month. The tenant paid a security deposit of \$250.00.

The parties agreed that the Notice was served on the tenant indicating that the tenant is required to vacate the rental unit on March 31, 2016.

The reason stated in the Notice was that the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord's agent testified that the main problem is that the tenant continues to unreasonably disturb the other occupants with loud music and slamming of the doors. The agent stated that the landlord has attended the rental unit on multiple occasions;

however, the tenant chooses to simply ignore them and the ongoing music and slamming of the doors continue.

The landlord's agent testified that since the tenancy has commenced the police have been called on three occasions. The most recently occasion was on April 9, 2016, at 1:30 in the morning, when the police had to tell the tenant to turn the music down; this was after the Notice was issued.

The landlord's agent testified that due to the tenant's behaviour they have already lost a renter and suffered a loss. The agent stated that the tenancy must end as a result.

The landlord's witness MC testified that live directly below the tenant. MC stated the first time he had contact with the tenant was when he was playing his music late at night. MC stated that he went up to talk to the tenant to ask him to turn down the music, which he did; but later that same night tenant came knocking on their door which they felt threatened. MC stated that was the reason they contacted the police on two subsequent incidents as they did not want direct contact.

MC testified that the situation became worse when the male landlord left the country and the female landlord had to confront the tenant. MC stated the tenant would simply push past the female landlord and not listen to their instructions.

MC testified that the loud music is ongoing on a regular bases and the music is coming through the wall as the base and volume are up to high.

The landlord's witness CS testified that the loud music is ongoing. CS stated that on April 9, 2016, at 1:30 am the police attended to the noise complaint and attended to the tenant's unit and had them turn down the music. CS stated that the music is consistently loud and is unreasonably disturbing them.

The landlord's witness WM testified that the loud music is ongoing. WM stated that they have had to help the female landlord communicate with the police, when the male landlord was away. WM stated that they have also seen the tenant push past the female landlord and totally ignoring their requests. WM stated that the tenant will say sorry sometime, or just ignore the request. WM states the tenant has no respect for the other occupants of the building.

The tenant testified that they do not agree. The tenant stated that they keep their music to level 4 on their device. The tenant confirmed that two police officers ask them to turn down the music on April 9, 2016 as 1:30am.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

How to end a tenancy is defined in Part 4 of the Act. Section 47(1) of the Act a landlord may end a tenancy by giving notice to end the tenancy.

I have considered all of the written and oral submissions submitted at this hearing, I find that the landlord has provided sufficient evidence to show that the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

In this case, the reason the Notice was issued was the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord. I find the tenant was provided sufficient notice that their music was unreasonably loud, disturbing the other occupants in the building. One occupant has since ended their tenancy as a result of the noise disturbance.

Further, even after the Notice was issued the police attended on April 9, 2016, to the tenant's rental unit as a result of a complaint of loud music, which the tenant stated that to the police directed them to turn the music down; this was the third police complaint since the tenancy commenced.

I find the Notice issued on February 29, 2016, has been proven by the landlord and is valid and enforceable.

Therefore, I dismiss the tenant's application to the Notice issued on February 29, 2016.

As the landlord has accepted occupancy rent for the month of April 2016, I find it appropriate to extend the effective vacancy date in the Notice to April 30, 2016.

I find that the landlord is entitled to an order of possession effective April 30, 2016, **at 1:00 P.M.** This order must be served on the tenants and may be filed in the Supreme Court.

### Conclusion

The tenant's application to cancel the Notice, issued on February 29, 2016 is dismissed. 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: April 19, 2016

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Residential Tenancy Branch