



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

The tenant applies to cancel a one month Notice to End Tenancy for cause dated and received May 26, 2016.

The tenant attended the hearing, the respondents attended by their representative Ms. Z. and both were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

The landlord had submitted written statements from other tenants in the building. The copies provided to the tenant had been anonymized by the striking out of tenants' names, addresses and signatures. As stated during the hearing, evidence from anonymous persons is not admissible evidence. Accordingly, the landlord agreed to reveal the hidden particulars regarding each statement, before they were permitted to be presented as evidence.

Issue(s) to be Decided

Does the relevant evidence presented during the hearing show on a balance of probabilities that the Notice in question was justified?

Background and Evidence

The rental unit is a two bedroom apartment in an apartment building.

The tenancy started almost twenty years ago; in December 1996. The current rent is approximately \$1021.00. The landlord holds a \$350.00 security deposit.

It would appear that the respondent Mr. L.C. is the building manager and is not the tenant's landlord.

Ms. Z. for the respondents testifies that in April 2016 the landlord had received complaints about noise coming from the tenant's suite; loud music, yelling and stomping. In particular, the tenants below, who provided written, signed statements, had been complaining to the landlord since February.

As a result, the landlord sent the tenant a "caution letter dated April 11, 2016.

Ms. Z. says the disturbances continued. A final caution letter was sent to the tenant dated April 14, 2016.

On May 26, between 7:30 and 8:00 o'clock in the morning, various tenants reported a significant disturbance from the tenant's apartment. The tenant below heard loud banging on the door upstairs and a argument between two men in the tenant's suite. The men were yelling and then a fight broke out. A women in the suite was screaming. The police attended and removed the men.

As a result of this incident, the landlord issued the notice claiming that the tenant or a person permitted on the property by the tenant had significantly interfered with or unreasonably disturbed another occupant or the landlord.

The tenant testifies that the fight had been caused by his friends drinking.

He feels that the local noise bylaw entitles him to play music.

Analysis

The evidence is overwhelming that the conduct of the tenant and particularly his guests on May 26, have unreasonably disturbed other occupants of the residential property.

Such conduct forms a ground for termination of the tenancy under s. 47 of the *Residential Tenancy Act*. I find that the Notice to End Tenancy dated May 26, 2016 to have been a valid Notice. It has resulted in an end to this tenancy on June 30, 2016.

The tenant's application to cancel the Notice must be dismissed. The landlord is entitled to an order of possession.

Conclusion

The application is dismissed. The landlord will have 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 05, 2016

Residential Tenancy Branch

