



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC, FF

### Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant on November 17, 2016 for the Landlord to comply with the *Residential Tenancy Act* (the “Act”), and to recover the filing fee from the Landlord.

The Tenant, the Landlord, and the building manager of the rental unit appeared for the hearing and provided affirmed testimony. The Landlord confirmed receipt of the Tenant’s Application by personal service on November 18, 2016. The parties also confirmed receipt of each other’s documentary evidence prior to the hearing. The hearing process was explained to the parties and they had no questions about the proceedings.

### Preliminary Issues

The Tenant had brought this Application against the Landlord because the Tenant was experiencing noise disturbances coming from neighboring renters residing in the apartment unit across from the Tenant’s apartment. The Tenant had submitted documentary evidence of written requests he had made to the Landlord to deal with the noise issues as well as a journal of the noise events. The Tenant explained that since he had made his Application, the noise coming from the renters was still disturbing although it had subsided from the levels that it was at before.

The building manager confirmed the validity of the Tenant’s noise complaints. The Landlord provided into evidence a warning letter that had been issued to the renters in September 2016 regarding the noise disturbance and a 1 Month Notice to End Tenancy for Cause (the “1 Month Notice”); this had been served to the renters on November 20, 2016 shortly after the Tenant had filed the Application. The building manager testified that one of the renters had moved out but that they were trying to work with the elderly

male renter who was still occupying the rental unit despite the passing of the vacancy date on the 1 Month Notice of December 31, 2016.

The Landlord testified that the renter had not disputed the 1 Month Notice and therefore he was seeking guidance from the Residential Tenancy Branch on his next steps to deal with the problem renter. The Landlord indicated that he would be pursuing his remedy under the Act to obtain an Order of Possessions based on the undisputed 1 Month Notice pursuant to Section 47(5) of the Act.

The Landlord stated that after his Application for an Order of Possession to end the renter's tenancy has been dealt with, he will communicate with the Tenant to see if the noise disturbance has ceased and the parties will make a joint decision on whether to enforce an Order of Possession which will inevitably provide the Tenant with more permanent relief.

The Tenant agreed to this course of action and was satisfied with resolution in this manner. The Tenant is at liberty to re-apply if the Landlord fails to remedy the noise disturbance being caused to the Tenant by the remaining male renter.

The parties agreed to split the Tenant's filing fee in full satisfaction of the Application. The Landlord consented to the Tenant making a \$50.00 deduction from the Tenant's next installment of rent. This file is now closed. This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: January 03, 2017

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Residential Tenancy Branch