



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PACIFICA HOUSING ADVISORY  
ASSOCIATION and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, MNDCT, FF

### Introduction

On February 26, 2021, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking to cancel a One Month Notice to End Tenancy for Cause dated February 5, 2021 (“the One Month Notice”).

This matter was set for hearing by telephone conference call at 9:30 am on this date. The Landlords’ agents (“the Landlord”) appeared at the hearing; however, the Tenant /applicant did not. The line remained open while the phone system was monitored for ten minutes and the Tenant did not call into the hearing during this time.

Since the applicant did not attend the hearing by 9:40 am to pursue the application to set aside the notice to end tenancy, and since the Landlord was present and ready to proceed, I dismiss the application to cancel the One Month Notice without leave to reapply.

The Landlord requested an order of possession for the rental unit.

### Issue to be Decided

- Is the Landlord entitled to an order of possession for the rental unit?

### Background and Evidence

The Landlord testified that the tenancy began in September 2017 and is on a month to month basis. Rent in the amount of \$982.00 is due to be paid to the Landlord each month; however, the Tenant receives a \$450.00 rent subsidy. The Tenant paid the Landlord a security deposit in the amount of \$467.50. The Landlord provided a copy of the tenancy agreement.

The Landlord testified that they want to end the tenancy due to the Tenant unreasonably disturbing other occupants and the Landlord.

The Landlord testified that they issued the One Month Notice to the Tenant on February 5, 2021. The Landlord cited the following reason for ending the tenancy in the One Month Notice:

*Tenant or a person permitted on the property by the Tenant has:*

- *Significantly interfered with or unreasonably disturbed another occupant or the Landlord.*

Within the detail of cause the Landlord provided:

After three written warning letters, tenant continues to play music at a significantly disturbing level as our office continues to receive complaints from other occupants of the building. Written warnings were issued on November 3, 2020, November 27, 2020 and December 24, 2020 making tenant aware of the disturbance and asking them to keep their music levels at a reasonable level. We have received multiple complaints about the disturbing level of his music in January 2021 since issuing the last and final warning letter in December 2020.

The Landlord provided copies of the noise complaints the Landlord received and of the warning letters issued to the Tenant as condensed below:

Date	Issue	Detail
November 3, 2020	Warning letter issued	Loud music from Tenant on Oct 14
November 3, 2020	Complaint	Tenant playing music very loud
November 4, 2020	Complaint	Tenant playing music at loud volume
November 18, 2020	Complaint	Tenant's music very loud
November 23, 2020	Complaint	Tenant blasting his music
November 23, 2020	Complaint by neighbor	Tenant playing music and yelling
November 23, 2020	Complaint by neighbor	Tenant playing loud music
November 26, 2020	Complaint	Tenant's music /bass thumping
Undated	Complaint from occupant	Tnt's music at uncomfortable level
November 27, 2020	Warning letter issued	Extreme loud music from Tenant
December 1, 2020	Complaint	
December 2, 2020	Complaint	Tnt's music /yelling is bothersome
December 4, 2020	Complaint	Tnt singing and yelling
December 8, 2020	Complaint	Tnt's music /thumping bass
December 18, 2020	Complaint	Tnt's very loud music
Undated	Complaint from occupant	Occupant bothered by loud music
December 24, 2020	Warning letter issued	Tenants extremely loud music
January 4, 2021	Complaint	Tnt's very loud music

January 4, 2021	Complaint	Tnt's music at club level
January 12, 2021	Complaint	Tnt making noise
January 18, 2021	Complaint	Occupant moving out re: noise by Tnt
Undated	Complaint from occupant	Tnt making noise
January 27, 2021	Complaint	Tnt making noise
February 9, 2021	Complaint	Music loud and Tnt yelling

The Landlord provided a copy of seven video recordings regarding the Tenant making noise at the rental property.

The Tenant failed to attend the hearing to pursue the dispute of the One Month Notice and his application is dismissed without leave to reapply.

### Analysis

Under section 55 of the Act, when a tenants application to cancel a notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the One Month Notice issued by the Landlord meets the requirements for form and content.

The Tenant did not attend the hearing to challenge / refute the Landlords testimony and evidence. I accept the Landlords' evidence that the Tenant unreasonably disturbed another occupant or the Landlord. The tenancy is ending.

I find that the Landlord is entitled to an order of possession effective at 1:00 pm on May 31, 2021 after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

### Conclusion

The Tenant failed to attend the hearing. The Tenant's application to cancel the One Month Notice is dismissed. The Landlords have sufficient reason to end the tenancy and are 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: May 21, 2021

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Residential Tenancy Branch