



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, RP, OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order requiring the landlord to make repairs to the unit or suite pursuant to section 33;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

This hearing was scheduled as a result of the tenant filing an application seeking to have the above items addressed. The landlord's agent participated in the teleconference, the tenant did not. As the tenant is the applicant in this matter and served the landlord notice of today's hearing, I am satisfied that they were of it, accordingly; the hearing proceeded and completed in the tenant's absence.

Issue(s) to be Decided

Should an order be given to have the landlord conduct repairs to the unit or suite.
Should the landlord's One Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Is the tenant entitled to an order compelling the landlord to comply with the *Act*, regulation, or tenancy agreement?

Background and Evidence

The landlord gave the following testimony. The tenancy began on February 1, 2022 with the rent of \$1480.00 due on the first of each month. The landlord issued a One Month Notice to End Tenancy for Cause on July 21, 2022 for the following reasons:

Landlord's notice: cause

47 (1) *A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:*

(d) the tenant or a person permitted on the residential property by the tenant has

(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,

The agent testified that from the outset of the tenancy, the tenant continually disturbs other tenants by making loud noises, loud music, stomping their feet and a constant stream of people coming and going. The agent testified that the tenant was given three written warning prior to issuing the notice. The agent testified that despite numerous warnings, the behaviour of the tenant has not improved and received another noise complaint just days before this hearing.

Analysis

When a landlord issues a notice under Section 47 of the Act, they bear the responsibility in providing sufficient evidence to support the issuance of that notice. The landlord provided undisputed testimony and documentation to support his claim. I find that the landlord has provided sufficient evidence to support the issuance of the notice and find that the tenant did significantly interfere with and disturb other tenants and I also find that this tenancy must end.

Section 55 of the *Act* reads in part as follows:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if*

(a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I find that the landlord's 1 Month Notice issued on July 21, 2022 with an effective date of September 30, 2022 was issued on the correct form and included all of the required information in order to comply with section 52 of the *Act* as to the form and content of that Notice. I dismiss the tenant's application to cancel the 1 Month Notice and issue the landlord an Order of Possession in accordance with section 55(1) of the *Act*. The notice is confirmed and is in full effect and force.

Conclusion

I dismiss the tenant's application in its entirety without leave to reapply. I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: November 17, 2022

Residential Tenancy Branch