



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      CNC

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties and their witness the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties and the witness.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request to have a section 47 Notice to End Tenancy cancelled.

### Background and Evidence

The landlords testified that:

- They have had numerous complaints from other tenants about the noise emanating from the applicants rental unit as follows:
  - September 17, 2009, complaints of excessive noise after hours.
  - September 30, 2009, complaints of excessive noise after hours.
  - October 9, 2009, complaints of excessive noise after hours.
  - October 13, 2009, complaints of loud dog barking coming from suite, landlord investigated and found no one home but dog was inside the suite barking.
  - October 22, 2009, police incident at rental property.



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- October 26, 2009 landlord again found loud barking coming from the suite with no one home.

The landlord therefore requests that the Notice to End Tenancy be upheld and that an Order of Possession be issued, as the tenant is repeatedly disturbing the other tenants in the rental property, and when confronted by the landlord, continually denies any responsibility.

The tenant and his witness testified that:

- After hour's noise has not been coming from his suite it is his belief that it is coming from upstairs.
- He has only once had the dog at his rental unit and that was in early November not in October.
- The police incident was due to another occupant of the rental property that was drunk and being disruptive and making threatening statements and had nothing to do with him.

The tenant is therefore requesting that the Notice to End Tenancy be set aside and that this tenancy be allowed to continue.

## Analysis

It is my decision that I find in favour of the landlords.

I accept the landlord's direct testimony that on at least two occasions the tenant has left his dog locked in the rental suite, barking, and therefore unreasonably disturbing the other occupants of the rental property.

I also accept the landlords claim that excessive noise from the applicant's rental unit has been disturbing the other occupants of the rental property.



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I do not accept the tenant's claim that the noise is coming from someone else's suite, as it is generally fairly easy to establish from which suite sounds are emanating.

The landlord has not established that the police incident was a result of the actions of this tenant, however it is still my decision that would not be reasonable to allow this tenancy to continue, considering the level of disruption this tenant is causing.

## Conclusion

The tenants request to have the Notice to End Tenancy cancelled is dismissed without leave to reapply and I have issued an Order of Possession to the landlords for a 1 p.m. on November 30, 2009.

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 26, 2009.

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Dispute Resolution Officer