

To the Director of the Residential Tenancy Board,

I'm sure you are well aware of case File No: 31032820 by now.

I want you to understand that the statements made by Arbitrator A. Wood in her decision are incorrect as evident by the recording of the call.

As per the Residential Tenancy Branch Rules of Procedures - the landlord has burden of proving cause sufficient to terminate the tenancy for the reasons given on the Notice.

There was no evidence to support their claims that I was purposely making noise which is the premise of the decision made by A Wood. The notion that I was purposely making noise was never even brought prior to the hearing.

As per Arbitrator A. Wood's decision she wrote (on the bottom of page 5)

*"The evidence of the landlords' witnesses is that is the tenant purposely stomping and that the noise has escalated since the tenant has been issued warning letters. I find this is more likely than not as the matter has escalated to the point where the police are being called, even though it was the tenant that called the police."*

What she is saying here is that she siding with the Landlord/Tenants that I was stomping on the ground below **because I called the police on them for banging on their ceiling** and scaring my son (which they admitted to doing). This is completely illogical. They were scaring my son, the management wasn't helping me, what other options would I have?

She also states that I said *"The tenant testified that they do not feel that they have to police their child, as their child does need to burn of energy as their child is two (2) years old."* Which **I did not say**, you can listen to in the recording.

What I actually I said (evident in the call) *"it cannot be expected that we police him to the point that there is no noise at all or that we cannot have his friends or guests over in fear of "disturbing the neighbors" and getting evicted"*.

The Property Managers also said *"The landlord's agents testified that they have done everything that they can to give the occupants in the unit below the tenant's the right to quiet enjoyment, **which have including moving the previous occupants to another unit.**"* ...this is a false statement. The previous tenant lives next door to me and told me she moved because her sister was moving in with her. Also, she lived below us for over a year, complained once, we apologized and said we would keep it down. That was the end of the issue.

There is no doubt the tenants below us can hear noise however, just as stated in the Property Manager Serge Rondeau and Dean Zomar's testimony, **there are more than 20 families living**

**in this building with up to 4 children in a unit and NO other complaints.** That \*could\* be seen as we are making excessive noise OR that the tenant below is unreasonable with his expectations.

Arbitrator A. Wood's decision was heavily sided to the Landlord/Tenants and took everything that they said as an absolute truth without question (even giving them queues on the call to blame "an adult" for the noise) meanwhile suggesting my statements were false even though I **submitted several pieces of evidence of my willingness to comply to the Landlords requests.**

I offered to settle this case on multiple occasions with the Property Managers in exchange for a payment of 2 months rent, in which they declined. This is a fair and reasonable offer which was declined.

Meanwhile, their suggest was that I move into one of their ground floor units which a) I'm not comfortable living on the ground floor, and b) is nothing like our current unit which is a unique loft/penthouse overlooking the Fraser River. "Move or get an eviction" is a completely unreasonable offer.

In my evidence which was apparently not looked at by A Wood (as stated on the call), I communicated with the Managers and the Tenant below that I would do my best to keep it down and was willing to comply with their requests. This is clear in my statement and the evidence I submitted if you would just read it. There is no evidence to suggest my statements are false, as they are the absolute truth as sworn under oath.

I am requesting you overrule this decision which sets a dangerous precedent for parents with young children.

I appreciate you taking the time to review this case.

Best wishes,  
Matt