

## Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

### Decision

**Dispute Codes:** MND, MNR, MNSD, MNDC, FF

### **Introduction**

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

This matter was originally scheduled for teleconference on May 1, 2009, at 9:00 a.m. The Tenants appeared at the hearing, but the Landlord did not attend. The Landlord’s Application was dismissed without leave to re-apply. The Landlord subsequently filed an Application to Review the Decision on May 8, 2009, on the grounds that he was unable to attend the Hearing because of circumstances that could not be anticipated and were beyond his control. On May 15, 2009, the Landlord’s application was granted, and a review hearing ordered and set for today’s date at 1:30 p.m.

### **Issue(s) to be Decided**

This is the Landlord’s application for Monetary Order for unpaid rent; a Monetary Order for damages; a Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement; to keep all or part of the security deposit paid by the Tenant; and to recover the filing fee for the cost of the application from the Tenants.

### **Preliminary Matter**

The Landlord was agitated at the beginning of the Hearing, and became increasingly agitated, argumentative, rude and disrespectful. He was uncertain of key dates, and

kept remarking "Its right in front of you." I warned the Landlord three times that I would end the call if he did not stop interrupting me and answer my questions in a calm and respectful manner. When I asked the Landlord when the tenancy ended, he accused me of trying to trick him.

Rule 8.7 of the Residential Tenancy Branch Rules of Procedure states:

**8.7 Interruptions and inappropriate behaviour at the dispute resolution proceeding** Disrupting the other party's presentation with questions or comments will not be permitted. The Dispute Resolution Officer may give directions to a party, to a party's agent or representative, a witness, or any other person in attendance at a dispute resolution proceeding who presents rude, antagonistic or inappropriate behaviour. A person who does not comply with the Dispute Resolution Officer's direction may be excluded from the dispute resolution proceeding and the Dispute Resolution Officer may proceed with the dispute resolution proceeding in the absence of the excluded party.

I gave the Landlord three warnings with respect to his unacceptable behaviour, and he did not comply with my instructions. I ended the call at 1:40 p.m. I was able to get very little evidence from the Landlord. The Landlord did not prove his monetary claim before the call ended.

### **Conclusion**

The Landlord's application is dismissed without leave to re-apply.

June 25, 2009

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