



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, RP, PSF, CNR, MNDC, OLC, RR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants.

The tenants seek orders as follows:

- 1) Cancel a ten day notice for unpaid rent;
- 2) Monetary order for compensation under the Act;
- 3) To have the landlord comply with the Act, regulation or tenancy agreement;
- 4) To have the landlord make emergency repairs for health and safety reasons;
- 5) To have the landlord make repairs to the unit;
- 6) To have the landlord provided services or facilities required by law;
- 7) To allow a tenant to reduce rent for repairs, service or facilities agreed upon but not provided; and
- 8) To recover the filing fee from the landlord.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Preliminary issue

The parties agreed that the tenants were served with a ten day notice to end tenancy for unpaid rent issued on July 6, 2012. The parties agreed that the tenants paid the outstanding rent within five days as required by the Act. As a result the ten day notice to end tenancy has no force or effect. The tenancy continues until legally ended in accordance with the Act.

From the outset of the hearing the male tenant was argumentative and interrupting. The male tenant was cautioned that interrupting and inappropriate behaviour would not be permitted during these proceeding and if continued could result in being excluded from the hearing.

Dispute Resolution Hearings are subject to the Residential Tenancy Branch Rules of Procedure. This fact is clearly set out in the "General Information" section of the Notice of Dispute Resolution Hearing form. Rule 8.7 of the 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.

The male tenant's behaviour continued to escalate during the hearing, to the point that he was using profanity and vulgar name calling which was directed at me. The male tenant was excluded and disconnected from the hearing. The female tenant was not on the line.

As the onus is on the tenants to prove their claim and in the absent of any evidence. I dismiss their claim without leave to reapply.

Conclusion

The tenants' application is dismissed.

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: August 08, 2012.

Residential Tenancy Branch