



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC, O, FF

### Introduction

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

- an order requiring the landlord to comply with the Act, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 62;
- other unspecified remedies; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord TJ ("landlord") and the tenant and his daughter, NC (collectively "tenant") attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he had permission to speak on behalf of "landlord MK," the other landlord named in this application, as an agent at this hearing (collectively "landlords"). The tenant confirmed that his daughter had permission to speak on his behalf as an agent at this hearing.

### Preliminary Issue – Inappropriate Behaviour by the Tenant during the Hearing

Rule 6.10 of the RTB *Rules of Procedure* states the following:

#### *Interruptions and inappropriate behaviour at the dispute resolution hearing*

*Disrupting the hearing will not be permitted. The arbitrator may give directions to any person in attendance at a hearing who is rude or hostile or acts inappropriately. A person who does not comply with the arbitrator's direction may be excluded from the dispute resolution hearing and the arbitrator may proceed in the absence of that excluded party.*

At the outset of the hearing, I advised both parties that one person was to speak at any given time, that they were not to interrupt while others were talking, and that they would

be given a chance to speak. Throughout the hearing, the tenant's agent repeatedly interrupted me, used profane language and yelled. The tenant's agent displayed rude, hostile, disrespectful and inappropriate behaviour. I repeatedly warned the tenant's agent to stop her inappropriate behaviour but she continued. The tenant's agent's husband joined the conference but would not provide his name, confirmation that he was the tenant's agent or any details about the application. During this time, the tenant's agent could still be heard yelling and swearing in the background.

I caution the tenant's agent not to engage in the same behaviour at any future hearings at the Residential Tenancy Branch ("RTB"), as this behaviour will not be tolerated and she may be excluded from future hearings.

#### Preliminary Issue – Dismissal of Tenant's Application

The hearing began at 11:00 a.m. The tenant connected to the teleconference late at 11:03 a.m. The tenant then disconnected from the conference at 11:19 a.m., without warning. The tenant did not reconnect after that point, despite the fact that the conference ended at 11:22 a.m. The tenant did not provide me with any details about his application during this entire conference call of 22 minutes, despite being asked repeatedly. The landlord was ready to proceed with the tenant's application.

Rule 7.3 of the RTB *Rules of Procedure* provides as follows:

7.3 Consequences of not attending the hearing: If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

In the absence of any submissions by the tenant for his application, I order the tenant's entire application dismissed without leave to reapply. 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 25, 2016

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Residential Tenancy Branch