



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Century 21 Prudential Estates
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC

This hearing was reconvened in response to an application by the Tenant and at the Tenant's request for an adjournment. The Landlords and Tenant appeared.

This matter has been adjourned twice on the request of the Tenant and once on the request of the Landlord since the original hearing date of June 27, 2016. The Tenant confirmed that this hearing was now dealing solely with the Tenant's claim for compensation. It was noted that as the Tenant previously made a claim for compensation and was awarded compensation in a previous Decision dated May 18, 2016 the Tenant would be restricted at this hearing to providing evidence of a claim for compensation that was not already dealt with in that previous Decision.

It was noted that the last adjournment was to allow the Tenant time to obtain a court reporter for this reconvened hearing and that no information of a court reporter was provided to the Residential Tenancy Branch (the "RTB") as set out in the previous Interim Decision dated November 8, 2016. The Tenant stated that he is out of the country and did not obtain a court reporter.

The Tenant was asked whether the current proceedings were being recorded by the Tenant and the Tenant answered "Yes, I am recording this for myself". Upon reminding the Tenant that he had been warned previously about recording the proceedings the Tenant stated that "I am only recording this in my mind." The Tenant stated that his first statement of recording was heard incorrectly. The Tenant's final statement was "I am sending this recording to your superiors".

Rule 6.10 of the RTB Rules of Procedure provides that a person who does not comply with the arbitrator's direction may be excluded from the hearing and the arbitrator may proceed in the absence of the excluded party. A party to a proceeding is required to pursue its application diligently. Section 62 of the Act provides that an application for dispute resolution may be dismissed where the application or part is frivolous or an abuse of the dispute resolution process.

Given the conflicting statements made about recording these proceedings I prefer the Tenant's original and final statement of recording and find that the Tenant is recording these proceedings. As the Tenant had been previously warned in the Interim Decision dated September 8, 2016 that no recordings were allowed and as the Tenant has failed to comply with the Rules restricting recording I have no confidence that the Tenant will cease the recording of these proceedings. I therefore apply Rule 6.10 and exclude the Tenant from the proceedings. As the Tenant is excluded I find that the Tenant has failed to diligently pursue its application. Further I find the Tenant's behavior more designed to inconvenience the Landlord than to pursue an actual valid claim and I also find that the application is frivolous in nature and an abuse of the process. I therefore dismiss the Tenant's application.

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: December 28, 2016

Residential Tenancy Branch