



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, FF

Introduction

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

- an Order of Possession for unpaid rent, pursuant to section 55; and
- authorization to recover the filing fee for this application, pursuant to section 72.

"Landlord RM" and the tenant did not attend this hearing, which lasted approximately 14 minutes. Landlord EM ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – Inappropriate Behaviour by the Landlord during the Hearing

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

6.10 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.

This hearing began at 9:00 a.m. and ended at 9:14 a.m. The landlord called into the hearing late at 9:10 a.m. When I asked the landlord why he called in 10 minutes late, he said that he had a work meeting that he was trying to get out of. The landlord then became upset when I asked him relevant questions as to whether he was pursuing his application against the tenant if she had already moved out. He began making sarcastic comments towards me stating "it's nice to see you're being impartial." When I notified him that I was here to deal with the landlords' application only and that my role was to control and conduct the conference, he continued to speak over me and make rude, belligerent and disparaging remarks towards me personally. I informed him that his rude behaviour and negative comments were unacceptable but he continued with them.

When I asked the landlord to confirm his mailing address for me to send him a copy of this decision, he refused to provide it to me, continued talking over me and made rude comments towards me repeatedly.

I caution the landlord to call into Residential Tenancy Branch ("RTB") hearings on time in the future, as he was well aware of the time and date of this hearing when he filed this application more than one month ago on May 12, 2017.

I further caution the landlord not to engage in the same rude, hostile, inappropriate and disruptive behaviour at any future hearings at the RTB, as this behaviour will not be tolerated and he may be excluded from future hearings. In that event, a decision will be made in the absence of the landlord.

Preliminary Issue – Dismissal of Landlords' Application

At the hearing, the landlord confirmed that he did not wish to pursue the landlords' application. He said that the tenant had already vacated the rental unit and he did not require an order of possession. He confirmed that he also did not want to withdraw the application. When I asked why he appeared at the hearing when he did not know what he wanted to do, he said that he wanted to make sure that the tenant did not show up to make any claims against him. He said that the tenant left the rental unit in a state of disrepair. When I notified him that he had not applied for any monetary or damage claims against the tenant, he stated that he was aware of that.

I notified the landlord that the landlords' entire application was dismissed without leave to reapply. As the landlords did not require an order of possession and they were not pursuing their application at the hearing, I notified him that the landlords were not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

The landlords' entire application is 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: June 21, 2017

Residential Tenancy Branch