



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MND, FF

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for unpaid rent and damage to the rental unit. The landlord appeared and was represented at the hearing. The tenant's husband appeared as the tenant's representative and confirmed that his wife was aware of this proceeding.

At the outset of the hearing, I determined that the tenant was incorrectly named on the application. Both parties confirmed the correct name of the tenant and I amended the application accordingly.

The landlord's representative testified that the hearing documents were sent to the tenant at her place of work, via registered mail, on November 2, 2017 and the registered mail was successfully delivered on November 6, 2017. The landlord's representative explained that a residential address had not been provided by the tenant; however, the landlord determined the location where the tenant was working as a pharmacist and confirmed with the pharmacy that the tenant was working there when the registered mail was sent.

The tenant's husband stated that the tenant had quit her job at the pharmacy on November 4 or 5, 2017; as of November 6, 2017 the tenant was travelling in another country; and, that she did not receive the registered mail package. The tenant's representative explained that the tenant learned of this hearing when an email was sent to the tenant's husband email address by the Residential Tenancy Branch to remind the tenant of an upcoming hearing but that without the registered mail package the tenant is unaware of the landlord's specific claims.

I asked whether the tenant's husband would be willing to provide a different service address so that the hearing documents could be re-served but he declined to provide an

address. The tenant's husband confirmed that his wife has an email account but claimed he could not recall his wife's email address. The tenant's husband confirmed the email used by the Residential Tenancy Branch to send the hearing reminder was accurate; confirmed that documents may be received by email; and, confirmed that the tenant was aware of this proceeding when his email address was used.

It is important to note that several times during the hearing I instructed and cautioned the parties to refrain from interrupting me or the other party, to answer the questions asked of them, to refrain from arguing with each other during the hearing, and that such behaviour would not be tolerated. Despite my instructions and cautions the parties resumed arguing with each other and I was unable to get the parties' attention so I excluded both parties and ended the teleconference call.

Rule 6.10 of the Rules of procedure provide for conduct at a dispute resolution hearing. Rule 6.10 provides as follows:

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.

Since both parties were non-compliant with my instructions, both parties were excluded from the hearing, and I dismiss the Application for Dispute Resolution with leave to reapply.

It was abundantly clear that the tenant and her representative is attempting to avoid service of the landlord's hearing documents. Accordingly, should the landlord make another Application for Dispute Resolution against the tenant, the landlord may serve the tenant with the hearing documents and evidence in one of the following ways: personal service to the tenant, by registered mail sent to the tenant using the tenant's address of residence or forwarding address provided by the tenant; or as I authorize as follows:

I authorize the landlord to serve the tenant with an Application for Dispute Resolution and other required documents by sending the documents to the

tenant by email. The email address the landlord is to use is the email address that appears on the cover page of this decision.

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 05, 2018

Residential Tenancy Branch