



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AS ERP LAT LRE MNDCT OLC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to suspend or set conditions on the landlord's right to enter the rental unit, to be allowed authorization to change the locks, for the landlord to return personal property; to be allowed to assign or sublet; for a monetary order and to have the landlord comply with the Act.

Both parties appeared.

Preliminary and procedural issue

At the outset of the hearing, I was attempting to determine the nature of the tenant's application as Notice to End Tenancy for Cause, was filed in evidence; however, not disputed in their application. The tenant acknowledged it was received on January 15, 2019.

The tenant at this point was refusing to answer direct questions that were asked by me, the Arbitrator. The tenant was argumentative, rude, and hostile and was cautioned several times that I could not proceed with the hearing, if they continued to interrupt, argue and refuse to comply with my direction. The tenant continued to Act in an inappropriate manner. As a result, I could not proceed with the tenant's application.

Residential Tenancy Branch Rules of Procedure

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 the tenant was cautioned several time, and I was unable to proceed with their application and the onus is on the tenant to prove their claim. I find it appropriate to dismiss the tenant's application 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: March 29, 2019

Residential Tenancy Branch