



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WESTSEA CONSTRUCTION LTD. and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

On August 12, 2019, the Tenant's advocate applied for a Dispute Resolution proceeding seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") pursuant to Section 46 of the *Residential Tenancy Act* (the "Act").

J.T, B.S., and D.P. attended the hearing on time, as agents for the Landlord. The Tenant did not call into the 43-minute hearing; however, J.L. called into the hearing 13 minutes late. She stated that she was calling in on behalf of the Tenant, but she did not submit any authorization to represent the Tenant, as per Rule 6.8 of the Rules of Procedure. She was upset that she was not advised of this and she expressed her concern that this information was not readily available to her. As an aside, Policy Guideline #26 indicates that when a party is not present, written authority should be provided for a person to act on that person's behalf.

In addition, J.L. advised that she was recording the hearing. She was advised that this was prohibited as per Rule 6.11 of the Rules of Procedure, she was ordered to stop recording, and she was also ordered to delete the recording. I note the following Rules of Procedure:

Recording of hearings

6.11 Recording prohibited

Persons are prohibited from recording dispute resolution hearings, except as allowed by Rule 6.12. Prohibited recording includes any audio, photographic, video or digital recording.

6.12 Official transcript

A party requesting an official transcript by an accredited Court Reporter must make a written request stating the reasons for the request to the other party and to the Residential Tenancy Branch directly or through a Service BC Office not less than seven days before the hearing.

I also advised J.L. of potential administrative penalties, as per the *Act* below, should she continue to record, should she not delete the recording, or if she should publish the recording in any manner.

Administrative penalties

87.3 (1) *Subject to the regulations, the director may order a person to pay a monetary penalty if the director is satisfied on a balance of probabilities that the person has*

- (a) contravened a provision of this Act or the regulations, or*
- (b) failed to comply with a decision or order of the director.*

Since J.H. admitted to recording the hearing in a manner which contravened the Rules of Procedure, she was Ordered to stop. She was also Ordered to delete the recording. These Orders stand, and failure to comply with an Order may result in administrative penalties.

J.T, B.S., and D.P. provided a solemn affirmation.

J.T. advised that they had already received an Order of Possession based on a prior Application (the previous decision is noted on the first page of this Decision) and they had enforced the Order, as a Writ of Possession, on August 30, 2019. As such, it was not necessary to address the Notice as the tenancy has been determined to be over already. Due to this, I dismiss the Tenant's Application without leave to re-apply.

J.H. advised that the Tenant was infirmed, and it appeared as if her main concern was with the *Act* not taking into consideration service of documents to a Tenant in this type of situation. However, she was advised that I am unable to address her policy concerns in this hearing. Without authorization to represent the Tenant, J.H. was advised that she could obtain a copy of this decision from the Residential Tenancy Branch once she obtained written authorization, from the Tenant, allowing her to do so.

Conclusion

As a decision has already been rendered on this issue, I 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: October 15, 2019

Residential Tenancy Branch