



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes **FFT CNL-4M**

This matter proceeded by way of an *ex parte* proceeding, pursuant to Rule of Procedure 6.12. On February 5, 2020, the Residential Tenancy Branch (the “**RTB**”) received a request from the landlord that an accredited court reporter be permitted to attend and record the dispute resolution hearing scheduled for March 2, 2020. On February 10, 2020, the landlord provided the RTB with a copy of its reporter’s court reporting diploma.

Currently, 12 applications (brought by 15 applicants) are scheduled to be heard at the March 2, 2020 hearing. All the applications relate to the same issue (the validity of four-month notices to end the tenancies of each of the applicants).

In their February 5, 2020 request, landlord’s counsel wrote:

We expect that there will be disputed matters of fact which will ground the Arbitrator’s eventual decision, and that *viva voce* evidence will be tendered by both the applicants and the respondent. As a result, we seek leave to have a court reporter attend in order to produce an official transcript of the hearing.

Should our request for a Court Reporter be granted, the respondent will ensure that the requirements for accreditation and attendance of the Court Reporter, as set out in Rule 6.12, are complied with and will abide by the restriction set out in Rule 6.13.

Rules 6.12 and 6.13 state:

6.12 Official transcript

[...]

An arbitrator will determine whether to grant the request and will provide written reasons to all parties and issue any necessary orders.

If permission is granted, the party making the request must:

- a) prior to the hearing, provide the Residential Tenancy Branch with proof of the Court Reporter's accreditation;
- b) make all necessary arrangements for attendance by the accredited Court Reporter and their necessary equipment;
- c) pay the cost of the accredited Court Reporter's attendance at the dispute resolution hearing;
- d) pay the cost of the Court Reporter's services and the cost of transcripts; and
- e) provide all parties and the Residential Tenancy Branch with official copies of the transcript.

6.13 Restricted use of recordings

Transcripts may not be used for any purpose other than the proceeding, a review or any court proceeding.

In light of the number of applications being adjudicated at the March 2, 2020 hearing, and the even larger number of applicants, I find that the basis stated by the landlord for wanting a court reporter to attend (that it anticipates there will be disputed matters of fact, and that *viva voce* evidence will be provided by the applicants and respondent) to be reasonable.

I find that the court reporter whose credentials were submitted to the RTB on February 10, 2020 to be properly accredited.

As such, I grant the landlord's request, and permit the landlord to arrange for a court reporter to attend the March 2, 2020 hearing in order to produce an official transcript of the hearing. The landlord must comply with all requirements set out in Rules 6.12 and 6.13.

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: February 19, 2020

Residential Tenancy Branch