



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNRT, MNDCT, OLC, RP, PSF, LRE, RR

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated March 6, 2020 ("10 Day Notice"), pursuant to section 46;
- a monetary order for the cost of emergency repairs and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67;
- an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlord to complete repairs to the rental unit, pursuant to section 33;
- an order requiring the landlord to provide services or facilities required by law, pursuant to section 65;
- an order restricting the landlord's right to enter the rental unit, pursuant to section 70; and
- an order allowing the tenants to reduce rent for repairs, services or facilities not provided, pursuant to section 65.

The landlord and the two tenants (male and female) attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. This hearing lasted approximately 14 minutes.

The landlord confirmed receipt of the tenants' application and the male tenant confirmed receipt of the landlord's evidence package. In accordance with sections 88, 89 and 90 of the *Act*, I find that the landlord was duly served with the tenants' application and the tenants were duly served with the landlord's evidence.

At the outset of the hearing, I asked the tenants if they were still living at the rental unit or if they had moved out. The tenants indicated that they wanted to move out eventually.

The tenants then stated that the landlord named in this application was only “half the owner” of the rental unit and that another “squatter” was also an owner of the rental unit. They asked how they should have filed their application and who they should have named as a landlord. I notified them that I could not give legal advice or act as their lawyer by indicating how they should file their application and who they should name as parties. While I was providing my answer, the following issues occurred, as described below.

Preliminary Issue – Inappropriate Behaviour by the Tenants during the Hearing

Rule 6.10 of the Residential Tenancy Branch *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.

From the beginning of the hearing, the two tenants yelled at me, swore at me, and made rude and disparaging comments towards me. While I was attempting to answer questions from the female tenant, the male tenant was yelling in the background. The male tenant yelled “is she a fucking retard?” and “she’s a fucking idiot” when referring to me. Every time I asked the tenants whether they were finished speaking and if I could answer their questions, they continued yelling and swearing at me. The male tenant said that he wanted a different Arbitrator for this hearing.

I could not conduct the conference because the tenants refused to allow me to speak or to ask any questions to conduct the conference. Every time I spoke, the tenants spoke at the same time as me, and continued yelling and swearing at me. I warned the tenants that I would disconnect them from the conference if they continued with their hostile, rude and disruptive behaviour and this behaviour did not stop. Therefore, after 14 minutes in the conference, I ended the hearing with all parties.

I caution the tenants to not to engage in the same behaviour at any future hearings at the RTB, as this behaviour will not be tolerated, and they may be excluded from future hearings. In that case, a decision will be made in the absence of the tenants.

At the conclusion of the hearing, I notified both parties that the tenants' entire application was dismissed with leave to reapply.

Conclusion

The tenants' entire application is dismissed with 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: May 12, 2020

Residential Tenancy Branch