



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding EMV HOLDINGS CORP.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OLC, FFT

### Introduction

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

- an order requiring the landlord to comply with *the Act, Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord, the landlord's lawyer and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. Both parties intended to call one witness each, who were both excluded from the outset of the hearing and were not recalled. This hearing lasted approximately 17 minutes.

The landlord confirmed that his lawyer had permission to speak on his behalf. The landlord confirmed that he is the general manager of the rental property and that he had permission to represent the owner of the property.

The hearing began at 9:30 a.m. The tenant disconnected from the hearing at 9:45 a.m. The hearing ended at 9:47 a.m., after I informed the landlord of my decision and obtained the landlord's contact information to send a copy of my decision.

The landlord's lawyer confirmed receipt of the tenant's application for dispute resolution hearing package. The tenant confirmed receipt of the landlord's evidence. In accordance with sections 88, 89, and 90 of the *Act*, I find that the landlord was duly served with the tenant's application and the tenant was duly served with the landlord's evidence.

Pursuant to section 64(3)(c) of the *Act*, I amend the tenant's application to replace the landlord's individual name with the landlord company name as the landlord-respondent party. The landlord's lawyer confirmed that the landlord company is the owner of the rental unit, as named on both parties' written tenancy agreement, not the individual landlord. Both parties consented to this amendment during the hearing.

At the outset of the hearing, the tenant confirmed that she wanted monetary compensation from the landlord. She claimed that she did not require any orders from the landlord, as the roof construction at the rental property, that she was initially complaining about, had stopped in March 2020, before her application was filed on May 29, 2020.

I notified the tenant that she applied for an order to comply, not for a monetary order for reimbursement. I informed her that she obtained a priority hearing date because of the urgent nature of her application, since monetary applications are not priority issues and are scheduled for later hearing dates. I notified her that she could not bypass the hearing wait times by applying for an urgent order, in order to obtain a quicker hearing date for a non-priority monetary issue.

I informed the landlord that since the tenant did not require an order to comply, her entire application, including for recovery of the \$100.00 filing fee, was dismissed without leave to reapply. The tenant had already disconnected from the hearing by this time.

#### Preliminary Issue – Inappropriate Behaviour by the Tenant during the Hearing

Rules 6.10 and 7.3 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* state 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.*

7.3 Consequences of not attending the hearing  
*If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.*

I notified the tenant that she did not apply for monetary compensation and that she only applied for an order to comply. I notified the tenant that she applied for a priority hearing spot, by applying for an order to comply when the issue had resolved in March 2020, well before her application on May 29, 2020, and that a monetary application was not a priority issue.

When I notified the tenant that I was required to make a decision about her application, she became upset and stated that she did not have to listen to me and could leave. I informed the tenant that she was required to attend the hearing in order for me to make a decision about it. The tenant then disconnected from the hearing, claiming that she did not have to listen to me.

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

I also caution the tenant that she is required to attend the full hearing, the failure of which may result in a dismissal of her application without leave to reapply.

### Conclusion

The tenant's entire application is dismissed 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: June 26, 2020

---

Residential Tenancy Branch