



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing dealt with the tenants' 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 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 24 minutes.

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package. The tenants 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 tenants' application and the tenants were duly served with the landlord's evidence.

At the outset of the hearing, the tenants confirmed that they were moving out of the rental unit on June 30, 2020. They claimed that they did not require any orders or emergency repairs, as claimed in their original application. They stated that they wanted reimbursement for paying for emergency repairs.

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

I informed the tenants that since they did not require an order to comply for emergency repairs, their entire application, including for recovery of the \$100.00 filing fee, was dismissed without leave to reapply.

The tenants stated that the police told them that the landlord's "estranged wife" was the owner of the rental unit and that the landlord named in this application fraudulently rented the property to them using a company name in the tenancy agreement. They claimed that the police told them to make this application for this hearing.

I notified the tenants that the Residential Tenancy Branch ("RTB") does not deal with criminal or police matters, nor with fraud claims. I informed them that if they pursue a future application for a monetary or other order, they are required to name the correct landlord, so that the decision and any orders are enforceable against that party. They asked how to name the correct party and I informed them that I could not provide them with legal advice, as I could not act as a lawyer for them during this hearing. I explained that my role as an Arbitrator required me to make a decision about their application. I informed them that they could hire a lawyer and obtain legal advice if they wished to do so. I notified them that they could only obtain information, not legal advice, from information officers at the RTB, if they wished to do so.

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

Rule 6.10 of the RTB *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.

When I provided the tenants with my verbal decision during the hearing, they both became upset and argued with me about it, since they did not agree with it. The male tenant stated to me that "I guess some people are good at their jobs and others are not." He made inappropriate and rude comments to me.

I notified the male tenant that while he may not agree with my decision and he may be upset by it, there was no need to be disrespectful and make insulting comments towards me. I notified him that my comments about obtaining a lawyer for legal advice and naming the correct party, was to provide information to assist the tenants, if they choose to file a future RTB application. I explained that it was up to the tenants to decide how and when to file any future applications, if they wished to do so.

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

Conclusion

The tenants' 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 11, 2020

Residential Tenancy Branch